

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION
PUBLIC HEARING

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In the application of:

MILLENNIUM PARTNERS OF Case No. 97-9C
WASHINGTON, D.C.

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C. 20001

Thursday
September 11, 1997

The above-entitled matter came on for hearing, pursuant to
notice, at 7:00 p.m.

BEFORE:

MAYBELLE TAYLOR BENNETT, Chairperson
HERBERT M. FRANKLIN, Commissioner
JOHN G. PARSONS, Commissioner

STAFF PRESENT:

MADELIENE H. DOBBINS, Office of Zoning
KENNETH KARKEET, Office of Zoning
DAVE COLBY, Office of Planning
ALBERTO BASTIDO, Office of Planning

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I N D E X

WITNESS:

Proponent

Anthony Lanier	16
Phil Aarons	18
Shalom Baranes	23, 35
Gary Handel	30
Lou Slade	41
Jim Gibson	48
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Sara Maddox	112

Opponent

James McLeod	114, 121
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1 P-R-O-C-E-E-D-I-N-G-S

2 7:12 p.m.

3 CHAIRPERSON BENNETT: Good evening, ladies
and gentlemen. My name is Maybelle Taylor Bennett. I am
Chairperson of the District of Columbia Zoning Commission. Joining
me this evening are Commissioners Franklin and Parsons. I declare
this public hearing opened. The case that is the subject of this
hearing is Case No. 97-9C, the revised application of Millennium
Partners of Washington, D.C., Inc. The application requests
consolidated review and approval of a plan unit development and a
related map amendment from C-2-C to CR for lot 76 in square 51
located at premises 2200 M Street, N.W. The PUD site is located on
the south side of M Street, N.W., between 22nd and 23rd Streets. It is
a rectangularly shaped site. It contains 61,538 square feet of land
area and is currently used as a surface parking lot. The applicant
seeks to construct a 459,000 square foot mixed use project containing
3000 residential units, an 87,465 square foot health and sports club, a
39,250 square feet of retail space for restaurant and retail tenants,
and 500 parking spaces. The project would have a commercial lot
occupancy of 99 percent, a height of 110 feet, a total FAR of 7.46,
consisting of a residential FAR of 5.40 and a recreation/retail FAR of
2.06. The project would include no leasable office space.

23 Notice of today's hearing was published in the D.C.
Register and the Washington Times on July 18, 1997. This hearing
will be conducted in accordance with the provisions of DCMR 3022.
The order of procedure will be as follows: preliminary matters
including the certification of the maintenance of posting and the

identification of parties; second, the applicant's case; third, the report of the Office of Planning; fourth, the report of other agencies; fifth, the report of Advisory Neighborhood Commission 2A; sixth, the parties and persons in support; seventh, parties and persons in opposition.

5 The Commission will adhere to this schedule as strictly as possible. Those presenting testimony should be brief and non-repetitive. If you have a prepared statement, please give copies to staff and orally summarize the highlights only. Each individual appearing before the Commission must complete two identification slips and give them to the reporter before making a statement. If this guidelines are followed, an adequate record can be developed in a reasonable length of time.

13 The decision of the Commission in this contested case must be based exclusively upon the public record. To avoid any appearance to the contrary, the Commission requests that parties, counsel, and witnesses not engage the members of the Commission in conversation during any recess or at the conclusion of the hearing session. While the intended conversation may be entirely unrelated to the case that is before the Commission, other persons may not recognize that the discussion is not about the case. The staff will be available to discuss procedural questions.

22 All individuals who wish to testify and have not been sworn previously, please rise to take the oath.

24 (Whereupon, all witnesses were duly sworn.)

25 CHAIRPERSON BENNETT: All right. Let's proceed with preliminary matters. Ms. Dobbins?

27 MS. DOBBINS: Good evening, Madam Chairman and members of the Commission. The first item would be the affidavit

of maintenance of posting. I do have that in my hands and it is in order. The next item would be identification of parties. The record indicates that there has been only one request for party status and that is Ms. Barbara Kahlow.

5 CHAIRPERSON BENNETT: That is right. Let me ask this question before we go on. And I have no problem admitting Ms. Kahlow. I find her request to be in order and I hope my colleagues do as well. ANC 2-F -- I think I asked this before, but refresh my memory and please indulge me. Is ANC 2-F an automatic party or is this project wholly contained within 2-A and ANC 2-F is an abutting ANC, and if it is an abutting ANC, do they get automatic party status?

13 MS. DOBBINS: If it is an abutting ANC -- we need to check to verify. I think you did ask that question.

15 CHAIRPERSON BENNETT: I think so too. I remember having asked it. I just don't remember the answer.

17 MS. DOBBINS: We can check it quickly enough. And if ANC 2-F is an abutting ANC, they do not automatically get party status if no part of the site is located within their site -- I mean within their jurisdiction.

21 CHAIRPERSON BENNETT: Okay. So they would have had to request party status?

23 MS. DOBBINS: That is correct.

24 CHAIRPERSON BENNETT: I see.

25 MS. DOBBINS: So we will check, and I will get back to you just a minute.

27 CHAIRPERSON BENNETT: All right. The other thing I would like to do as a preliminary matter is to go over those

persons who were offered as expert witnesses. These included Shalom Baranes in architecture -- and I am now looking at the applicant's counsel -- Gary Handel in architecture, Louis Slade, traffic engineering, Anita Morrison, economic analysis, Richard Harps -- there he is. Okay. Now you have economic analysis down here. Usually he is accepted as real estate appraisal. What do you want to do? Real estate appraisal and land economics. Steven Sher in land planning -- maybe -- and Jim Gibson in land planning. Were those -- did I miss any?

10 MR. GLASGOW: No.

11 CHAIRPERSON BENNETT: All right. Thank you.

The next thing I wanted to do was go over time -- the length of time. I thought I saw in the materials a request for an hour and a half or an hour or three-quarters was it?

15 MR. GLASGOW: Right. It was an hour and three-quarters.

17 CHAIRPERSON BENNETT: Now --

18 MR. GLASGOW: We went over it this afternoon, and we are between an hour and a quarter and about an hour and 25 minutes when we had everybody go up and get through it. I think we can do it in less than an hour and a half.

22 CHAIRPERSON BENNETT: Well, if we can shoot for an hour and a quarter, that would be good.

24 MR. GLASGOW: We will try.

25 CHAIRPERSON BENNETT: We have read the materials and most of us I think are familiar with --

27 MR. GLASGOW: The site?

28 CHAIRPERSON BENNETT: The site. Although --

well, at least a majority of this sitting Commission has visited this site previously in cases. And I am certain that my colleague to my left may not have -- while he may not have visited the cases, is probably very familiar with the site.

5 COMMISSIONER FRANKLIN: My office looked out on it for many years.

7 CHAIRPERSON BENNETT: Very familiar with the site. Okay. If there are no other preliminary matters from the audience, why don't we proceed.

10 MS. DOBBINS: Madam Chairman?

11 CHAIRPERSON BENNETT: Yes.

12 MS. DOBBINS: I can answer the questions that you had before.

14 CHAIRPERSON BENNETT: Okay.

15 MS. DOBBINS: This site is wholly within ANC 2-A. It does not even abut 2-F.

17 CHAIRPERSON BENNETT: All right. So we can accept 2-F if they --

19 MS. DOBBINS: If they request.

20 CHAIRPERSON BENNETT: If they desire to testify, but they have not requested party status.

22 MS. DOBBINS: That is correct. Also, I just wanted to indicate that you have some items in front of you that were not included in your package. You have a letter from Council Member Jack Evans, Ward 2. You have a letter from the Foggy Bottom Association and you have a letter also from David Watts, the Deputy City Administrator for Business Services and Economic Development. All of these are in support of the project.

1 CHAIRPERSON BENNETT: All right. Thank you.
Mr. Glasgow, do you want to begin?

3 MR. GLASGOW: Thank you, Madam Chairman. For
the record, my name is Norman M. Glasgow, Jr. of the law firm of
Wilkes, Artis, Hedrick & Lane. With me this evening is Mr. Paul
Thomas and Steven Sher of the same firm. We are representing the
applicant, Millennium Partners of D.C. for this subject application for
PUD and map amendment from C-2-C to CR, 22nd and M Streets.
Also here with me this evening are Mr. Phil Aarons and Mr. Anthony
Lanier. Mr. Aarons is on my far right and Mr. Anthony right next to me
-- concerning this project. Also in attendance are the architects
Shalom Baranes and Gary Handel, Mr. Lou Slade, who you know, Mr.
Harps and Ms. Morrison, Mr. Gibson, and Mr. Sher. And since we
have dispensed with the expert witnesses, I won't go through with
that. I assume that they were all accepted by the Commission.

16 CHAIRPERSON BENNETT: Yes, I am sorry. I was
assuming that you didn't have any problem with them or otherwise you
would have spoken up. Thank you.

19 MR. GLASGOW: Also, I would like to -- we have
some refinements of our August 11 plans, and I would like to have a
set of the plans to submit for the record. These are minor
modifications as we were dealing with further refinements of the
project. The major uses of the building all remain the same. The
percentage of use of the building, 70 percent FAR. We have got
enlarged sets and reduced sets.

26 CHAIRPERSON BENNETT: Thank you.

27 MR. GLASGOW: The revised plans also reflect the
competence of the applicant in the residential market in that the unit

sizes and the average unit sizes have been increased and therefore the number of units is being decreased. The request now is a range of 240 to 300 units as opposed to the 275 to 325 units which we previously envisioned for the site. But no reduction in overall residential square footage -- less units in the same square footage.

6 Unit sizes will now average in excess of 1,000 square feet with some units proposed to be over 2,000 square feet in size. We have revised the internal operation of the garage in order to respond to a community concern about just access in from 23rd Street. There will now also for the residential occupants, they can come in 22nd Street going north if they so desire. And then there will be part separation at a lower level.

13 The project which you see now is a result of over a year of effort to produce a project which is distinct in the District of Columbia but which already has been successfully developed by Millennium in other markets such as New York. The project is predicated upon a retail base and not an office base with a significant residential component above that base. You all have read what the residential square footage is -- 332,000 square feet of residential with a commercial area of 123,000 square feet divided into a health club and retail -- 70,000 square feet of retail and 87,000 square feet of health club.

23 In going forward with the application after the Commission set-down -- I am sure you all are wondering what happened to the movie theaters. The applicant further evaluated the theater component of the application in terms of comments from the Zoning Commission, the reaction of the community at large, traffic implications and economic ramifications of that portion of the proposal.

It was determined after reevaluating all of those aspects of that portion of the project that we would eliminate the movie theaters. So we are proceeding forward without the theaters, and then the question is what happens with the space that the movie theaters occupied. That space -- the above-grade space has been entirely devoted to residential FAR. That is why the FAR of the project has increased from approximately 7 FAR to 7.46 FAR. So we kept the volume that we had during the set-down and we added residential units in the space where we took out the movie theaters in the above-grade. In the below-grade, we put in a B-1 level of retail.

11 We believe that this significant residential project in a central city location just outside the central employment area is appropriate and beneficial to the District from a planning and economic standpoint and we are pleased that the Deputy Mayor for Economic Development and the Ward Council Member have written letters in support of the project. We are also pleased with the support that we have from the Office of Planning. We also have support of residents in the area. It is not unanimous support, but neither did we expect unanimous support of a major mixed use project in an urban environment where we are at. We believe, however, that this project has significant merit and offers significant benefits to the District of Columbia and should be approved. We hope that you will agree after hearing the testimony of the witnesses in the case.

24 We have on-site and off-site amenities which will be discussed by the planning experts as we go through. There is significant additional tax revenue of more than \$6 million a year to the city. We will be dealing with the First Source and MBOC agreements and proposed improvements to Washington Circle, 3 D.C. owned

parcels west of Washington Circle, and a contribution of the applicant of \$15,000.00 per year for three years to the Car-A-Van Program. We also will be working with the Foggy Bottom Association with an expenditure of up to \$10,000.00 for local public space areas that they are looking at, and we are going to be further addressing that with them. 6

7 The proposed development of the health club and the higher floor to ceiling heights in the units, their size, and the provision of one parking space per residential unit are on-site amenities available through the PUD process and also result in our asking for a height of 110 feet as opposed to the 90-foot height that is presently permitted under the C-2-C district. But that is in conjunction with our rezoning to CR and that is permitted in the PUD process. We are within that height limit. Also, we are within the FAR limits for the CR/PUD. We are at 5.4 FAR of residential and 2.06 FAR of commercial. By way of highlighting that, the 2.06 commercial is just .06 FAR above matter of right C-2-C commercial FAR. So essentially this project and the FAR and the height that we are asking is allowing us to build additional residential units. That is what the PUD is about at this point in time. And if there are no preliminary questions, I would like to proceed forward with the testimony of the witnesses.

22 CHAIRPERSON BENNETT: Thank you.

23 MR. GLASGOW: I would like to call first Mr. Anthony Lanier and Mr. Phil Aarons.

25 MR. LANIER: Ladies and gentlemen of the Commission, my name is Anthony Lanier. I am the President of East Bank. We are the developers with Millennium Partners of D.C. Together, we are committed to developments assisting the revival of

central city areas by combining high-end retail, residential, and recreational uses such as the health club.

3 For your information, East Bank is a D.C. based real estate investment and development company. We have over the past assembled approximately 1 million square feet of retail and approximately a half a million square feet of office in four buildings. Since 1990, we have focused exclusively on developments in downtown D.C. Our commitment, such as the acquisition and redevelopment of 19 buildings, many of them in Georgetown, since January of 1996 is testimony thereof.

11 This portion of the West End was developed with mixed use in mind. It is one of the very few areas close to the central business district that has achieved this look and feel. Unfortunately, the real estate boom of the 1980's substantially abandoned residential development in favor of higher and better uses such as office and hotels, thus stripping the area of the targeted 24-hour look and feel. We are, as developers, committed to demonstrate the viability and excitement of downtown development and living. We are focused to recreate pedestrian traffic, rebuild communities, and as recently demonstrated, bring retail and suburbanites back into downtown.

21 In Georgetown, we have been instrumental in attracting national retailers such as Pottery Barn, BCBG-9 and Company, H&B, Gap, Barnes, and Nobel to name a few. We have increased the retail experience, have produced higher sales per square foot, and hopefully will, once completed, have restored the local citizen's ability to live, dine, and shop within their neighborhood.

27 In addition, we believe that our efforts will bring suburban residents back to D.C. for a day in the city. With our track

record in multi-story retail development and our ability to attract these users to the city, we look forward to enticing attractive tenants to this location.

4 As a result of the quality of the project, we are very sensitive to the image and the nature of our users. We are developing a high-end project and want retailers such as an exclusive supermarket, including a high-end restaurant not dissimilar to the one currently existing at the site of the project, to be our tenants. Many of our amenities go to the same goal, mainly beautification of the surrounding neighborhood.

11 With this, I would like to introduce my partner, Phil Aarons, formerly the President of the New York Public Development Corporation under Mayor Koch. Having missed his opportunity to significantly impact the current demonstrable revival of New York City, he is committed to do his best to participate in our city's revival and have his mark. With your approval of our application, you will give him this opportunity he so much seeks. With this, Phil Aarons.

18 MR. AARONS: Thank you, Anthony. Madam Chairperson, Commission members, my name is Philip Aarons, and I am now a principle of Millennium Partners and I really appreciate the opportunity to appear before you and interested members of the public this evening to urge your approval of the PUD application before you.

23 Millennium Partners, as Anthony suggested, is an established New York City based development company with a strong track record in constructing successful mixed use urban development projects. In New York, we have built, owned, and operate three adjacent buildings on the West Side of Manhattan totalling 1.4 million square feet of mixed use space with retail, sports club, apartments,

and general -- and in this case cinema uses -- which we feel strongly has made a significant change in the overall feel of that part of Manhattan.

4 As a company, we are committed to the notion that our buildings strengthen neighborhoods and revitalize urban areas. As our presentation will demonstrate, this building that we are proposing before you will not only add tax revenues to the District's treasury, jobs to its residents, have a significant increase in property values for the neighbors, and provide expanded housing and shopping choices for everyone.

11 Part of the reason I feel so strongly that our projects strengthen neighborhoods is because as an organization we believe we are responsive developers. We understand community concerns. We understand civic goals, and we can respond to those issues and those concerns in significant ways.

16 Chip suggested early on the major change in our thinking which resulted from a clear indication by neighbors and zoning and planning officials that the theaters in that location presented traffic and other problems which perhaps made them an inopportune use for that site. We went back and rethought the program and eliminated the theaters. We were equally sensitive in the design of the building to the neighbors' traffic concerns. We were able to adjust the actual design, which our architects will articulate, to make it a better neighbor for the residents who live on the same block. We are involved, as Chip indicated, in a significant program of community amenities, and in every way we think that this is a project which adds significantly to the neighborhood and adds in a way that comes from our being sensitive to those around us and to the goals of those who

drive the city's development and growth.

2 We are also extremely committed to quality. We
 3 believe we have achieved with Shalom Baranes and Gary Handel an
 4 extraordinarily fine design which fits elegantly within the neighborhood
 5 and altogether adds architectural distinction to the vicinity. We believe
 6 our commitment to quality, as Anthony suggested, will dictate the right
 7 quality of retail tenant. Our building, as Anthony suggested, a
 8 residential project with significant apartments, it is essential to us that
 9 the right retail tenants be in that building in order to synergistically help
 10 the overall project work well and financially correctly.

11 We also build, as Chip suggested, and are continuing
 12 our own thinking on this, large units that we believe the District needs
 13 and that we believe will encourage people who may be moving in from
 14 the suburbs and that are definitely units where people will live full-time
 15 and be committed to their surroundings and to their neighborhoods.

16 We also have at Millennium the financial resources to
 17 realize our vision. We are a well capitalized company. We have this
 18 project fully funded. We are ready to start with the approval of this
 19 group and move forward immediately. We have planned this
 20 particular project to be a single-phase development, thus accelerating
 21 the time in which it will be completed and minimizing the disruption
 22 that any construction project visits on a neighborhood. It is a project
 23 for us, an investment in the District, of over \$100 million. We are
 24 eager to invest. We believe in the District's future and we believe that
 25 this project makes excellent sense for this immediate location.

26 To close, I want to suggest that we are really long-
 27 term players in the District. We are here with Anthony Lanier and his
 28 company. He articulated the many contributions he has made over

the last 15 years of his activities. We are looking and moving forward on a significant project with him as well nearby. And it is our feeling that we will not only be developers, we will be owners and operators of this project for the long-term, and the absolute commitment that this project will work and work well and benefit the District and benefit the neighbors is one that we feel we can strongly support.

7 I brought along a relatively short video, which we prepared and which we believe illustrates what we have accomplished in New York. It is just five minutes long, and if I can beg the Commission's indulgence, I would like to show it. I think it gives the best illustration of what we have accomplished in New York and what we see with modifications of course, for this site here in the District.

13 CHAIRPERSON BENNETT: Thank you, Mr. Aarons. Why don't we do the video.

15 (Whereupon, at 7:37 p.m. the video was presented, which concluded at 7:42 p.m.)

17 MR. GLASGOW: The next witnesses will be the architects, Shalom Baranes and Gary Handel.

19 MR. BARANES: Good evening. My name is Shalom Baranes. Over the past year or so, my firm has been working very closely in collaboration with Gary Handel from New York. We have designed this building together. Over the next 20 minutes or so, what we would like to do is just make a few comments about the neighborhood, describe our project architecturally to you and then towards the end of our 20 minutes we will focus on some of the refinements and revisions we have made to the drawings over the past month or so since the August 11 submission.

28 As other people have noted tonight, what is really

interesting about this neighborhood is its mixed use character -- hotels, residential, office buildings, retail. And what is specifically interesting to me as an architect is the fact that this variety or this eclecticism is in fact reflected in the architecture of the buildings. I am not sure we necessarily have the best buildings in Washington in this neighborhood, but they certainly have a richness and variety which I think lends a lot of interest to the city. And what we would like to do is capture some of that variety in the design of our project.

9 If you look at the apartment buildings, for example, that have been built in the last decade or so here, the last 15 years, they clearly read as apartments. They have bays and they have balconies and they have set-backs. They stand in contrast to the office buildings, which have much flatter facades and in a sense much less interesting masonry and much less interesting articulation. The materials, which is a little unusual for a new neighborhood like this -- the materials in this neighborhood vary tremendously. There is no predominant material. You see red brick, you see tan brick, you see pre-cast. You have the full range of materials you see in Washington. You have curtain wall. And you also have some variation in the height. There is a predominant height of 90 feet, which corresponds to the underlying zoning, but you also have several buildings which are taller. Our site is shown here. This is M Street. And there is a building directly to the northwest which is right here. It is a mixed use building of apartments and office which goes up to 110 feet. And we have another building directly north of that here, which is shown with this dome here, which goes up to 100 feet. And then to the east, we have a building here in the immediately adjacent block which is 106 feet. And then, of course, as you start to move in this direction, you

start to get to the 110 feet and eventually up to the 130.

2 If you look at the immediate context of our site which is shown here, we are bounded by three streets and an alley, which actually reflect the variety that you see in the overall neighborhood. M Street, of course, is a major cross-town thoroughfare, very busy. There are a lot of different uses on it and a lot of different scales. We have a fire house here, an Embassy here, the Nigerian Chancery, and then we have all of the uses I have mentioned up and down the street here. If you look at 23rd Street directly to the west, of all of the streets that are immediately adjacent to our site, that has the most residential quality to it or potential residential quality. There are a lot of vacant lots there. We do have an apartment building, which is the Gibson, directly across the street from us, and we have an office building on the corner of 23rd and M.

15 Directly to the east, we have 22nd Street, which is a little harder to characterize. It is mostly vacant lots, but it seems like it has the potential to be quasi-residential, but perhaps a little bit more commercial in character than 23rd Street is becoming.

19 And then, of course, to the south we have this alley, which is currently 15 feet. We will be widening it to 20 feet. And backing onto that alley across from our site we have the Carriage House, an apartment building, and then other mixed use buildings, one of which is, I believe, an office building there.

24 We have developed our project architecturally, as I said earlier, to reflect the variety of the immediate context. So if we were to look at -- we will start with the M Street elevation here. This is 23rd Street going to the south. We have marked the primary corner of the site here with a large glass bay which occurs at the lower level of

the building. And if you think of this in relationship to the site, this is the corner with the glass prow. It corresponds to this very interesting intersection where M Street bends and meets the diagonal at New Hampshire Avenue. So you are actually approaching the building on a diagonal and we tried to mark that access or that view by creating a fairly 3-dimensional object at the base of the building.

7 Behind this glass wall, we have located the most active uses within the building. We have located the retail on the ground floor. The main entrance to the retail will occur near that corner. We have also located two floors of health club above the retail. So there will be some activity that will be visible in the evening hours as the lights go on inside and it gets darker outside.

13 We also made an effort to subtly mark this corner to reinforce it, and this is a corner that actually is visible all the way from Georgetown as you cross the bridge on M Street coming towards this site. You will see this corner of the building. And we have marked that I think in a more subtle fashion with this vertical glass bay and this series of windows, all of it intended to accentuate the verticality of the building.

20 On 23rd Street, which is this elevation right here -- and I will also show you these elevations -- as I mentioned earlier, we have more residential quality or residential characteristic, and we felt that it was important to reduce the overall apparent height on this particular facade down to 90 feet, which corresponds to this line across here. The building across the street is 90 feet. So we set our building back 10 feet there and then again to create the residential character on this, we developed these vertical bays, each one of which contains a living room and a balcony for the units -- for each

one of the units. And those will be directly across from the Gibson, which also has the same sorts of uses within that building.

3 On this elevation, we brought the residential right down to the second floor, directly above the retail. That is the only elevation in which that occurs in the entire building. So you have retail on the ground floor and then residential immediately above that. There is a residential entrance on this facade.

8 On the 22nd Street elevation, which would be at this site here -- it is not so visible there, but again you can kind of see it most clearly right here -- you can see that the overall composition of it is very similar to the 23rd Street elevation except it is simpler. It doesn't have the bays. Again, we don't expect that that street will develop with the same kind of residential quality as 23rd Street. So we also here brought the residential down to on top of the health club rather than bringing it all the way down to the second floor where the retail is. So here you have retail, you have two floors of health club expressed in the facade, and above that you have the apartments, again with a 10-foot set back at the 90-foot point. So the cornice line is marked very strongly and very clearly on the facade also.

20 And finally, on the south side of our building, we have a 20-foot alley. It will be 20 feet when we are finished here. As you can see, we opened the building up to the south. It is a normal and natural thing to do. It is something we always try to do with residential to capture or to maximize sunlight into the units. I have to say that when we first started out this project and we had the theaters in it that this portion of the project had the similar elevation as the other three sides. It was closed. The building was a donut. As we developed the design and refined and met with the neighbors, we found that it helped

both our project as well as the Carriage House to the south to open up the view across here. So doing that -- again to keep it scaled down also -- not only did we open it, but we changed materials here from brick to glass. So this reads like a small pavilion, which is one story lower than the major bar. This also has apartments in it and it sits directly on top of the health club on this side. All four sides of this building will be finished with the same windows and the same materials, even though this is an alley elevation.

9 And finally, just one more note. The buildings that I have mentioned will be primarily constructed out of brick and we intend to work with two or possibly even three shades of tan brick. The primary change in colors will be, as you see it here, that the lighter color will mark the facade that is closer to the street and the slightly darker color will mark the facade that is stuck back 10 feet. And within those two, we may introduce a slightly darker brick that will give some texture and range to that and related back to the other brick buildings in the neighborhood.

18 MR. HANDEL: Thank you, Madam Chair and members of the Commission. My name is Gary Handel and I am Shalom's collaborating architect. One of the fundamental challenges in successfully designing a complex mixed use project is getting appropriate uses in appropriate places. Issues of traffic, neighborhood concern, servicing, urban design, architectural composition, program adjacencies, and economic viability all impact on these locational decisions in terms of the way that the buildings are ultimately composed.

27 One of the key first moves in successfully organizing the building is really getting things right on the ground floor. As

Shalom mentioned, our project has four very different faces -- the 22nd Street face, which is sort of transitional in character blending the commercial and residential character, the M Street facade and uses with its more commercial character, the predominantly residential character of 23rd Street, and the alley itself. What we have attempted to do is not only make the architectural facades reflect those characteristics but make the uses located there work that way as well.

8 So, for example, the predominant entrance and the major entrance for the retail will be off of M Street. The health club lobby and the residential lobby will be organized off of 22nd Street. The residential lobby will be entered off of 23rd Street and servicing will be handled discretely off of the alley component. Those uses are where we believe they should be in order to reinforce the existing character of those streets and also to activate all three of the major street frontages of the building so that there are no dead facades.

16 As mentioned before, we have two entrances to the parking component of the project. We have an entrance off of 23rd Street which will only be accessible and used for exit by residential users of the building only. On 22nd Street, we will have an entrance that will be utilized by all commercial patrons of the building. And after consultation with residents of the Gibson, we decided to and agreed to allow residential users to utilize this entrance as well in order to reduce to the absolute minimum the traffic burden on 23rd Street.

24 Once going down from those two ramps, cars would come down to the B-1 level and then continue down to the lower levels of the parking, of which we have three. There would be a total of -- there is a range of parking that is proposed that is somewhere between 460 and 500 spaces. Our goal is to have one parking space

for each of the residential units and 200 commercial parking spaces. Those would be separately demised so that that traffic would not be mixed. And then there would be shuttle elevators that would take residential patrons to the lobby level and commercial patrons would be able to utilize this entrance as well to access the retail and the health club lobby.

7 As Phil mentioned and was also shown I think fairly well in the video, the health club component of the project is a key ingredient towards our making this building a desirable residential location to live in. People really like to be adjacent to this type of facility. The facility planned will have all of the amenities that were shown in the video. It will be an 87,000 square foot club. Members, their guests, and the general public will access from this lobby on 22nd Street and come up to the second floor. At this floor, the public will have the ability to utilize the restaurant, the pro shop, and the salon spa without being members of the club. Members and their guests will then go into the other programmatic components of the club which will include two basketball courts, four squash courts, a 75-foot lap pool, major exercise facilities, and many other amenities that really will provide a total fitness experience.

21 As you can see in this section, the health club requires a significant amount of volume. The basic health club components of the project -- two floors of the health club are equivalent to three residential levels of the project, and components such as the basketball courts, the pool, circulation areas, and the squash courts require even much more volume. To provide this type of club requires a tremendous amount of volume.

28 Once above the health club, you can see -- this is the

section looking at 23rd Street. You can see how the three residential floors on 23rd Street coordinate with the three levels of the health club, and also bring the residential down to 23rd Street to maintain that residential character.

5 Working our way up through the building, you can see the variety of residential floor plans that we have. The attempt has been made, as Shalom mentioned, both to really try to provide a very high quality of residential apartment, which really starts with the layout. 9 There would be three of these floors. These are the three partial floors that coordinate with the health club looking out onto 23rd Street. 11 Immediately above that, we would have one of the full floors that would basically create the donut, as Shalom mentioned, giving some definition to a major residential courtyard space at the heart of the project. Above that, on the 6th through 9th floors of the project, we would have more of a U-shaped configuration, which has been opened out both to allow a better relationship with the Carriage House and the penetration of light into these units that face onto the courtyard. And then on the 10th and 11th floors of the project, you can see how the building begins to set back. Both the soffit and the profile of the building create a better contextual relationship on 22nd and 23rd Street as well as providing opportunities for terraces for each of those units. So that is the way that the building is basically organized. Shalom will now talk about the shadowing concept.

24 MR. BARANES: Thank you. Okay, I have the daunting task of keeping you awake while I talk about shadows. We developed this computer simulation here of the shadows that our building will cast on some of the adjoining buildings throughout the seasons. What you are seeing here is summer months. You are

seeing spring and autumn here and winter on this side. In each one of these cases, what we are comparing is our proposed plan unit development or proposed project on the left-hand side to a matter of right 90-foot high project on the right-hand side for each one of the seasons.

6 Furthermore, we looked at the three different times of the day. We looked at 9:00 a.m., 1:00 p.m., and 5:00 p.m. on each one of these boards. We found actually that the impact of our building at that additional 20 feet -- from 90 feet to 110 feet -- the impact of that additional height on the adjoining building was really quite minimal. We found that starting with the summer months -- first of all, at 1:00 and 5:00 -- basically from 1:00 on during the summer, the additional 20 feet has no impact on the adjoining residential buildings. We have paid particular attention to the Gibson, which is shown in this photograph here, and 2301 and 2311 M Street, which are both up here, and then of course we have the Carriage House, which in the model is shown right here. It is directly to the south of us and they cast a shadow on us. We don't cast a shadow on them given their location.

20 So anyway, we found that in the afternoon basically in all four seasons, as you can see here, there is never an impact in terms of additional shadow on those buildings. That is demonstrated pretty clearly -- well, maybe it is not so clear -- in these computer simulations where you have the Gibson here each time and you have 2301 and 2311 M Street up here, and then this is our building here. What is interesting is that the computer actually, because there is less ambient light in the winter, makes all of the winter drawings darker than it makes the summer drawings. That was not a printing problem.

It is actually programmed that way.

2 It is when you start to look at the morning hours at 9:00 that you start to see what the additional shadow is resulting from this additional 20 feet. In the summer, we found that the impact is that we cast a shadow on the Gibson which puts one additional floor in shadow. That is indicated in this portion of this drawing where across here you can see the shadow of our building on the office building and on the Gibson. A 90-foot matter of right building would cast a shadow up to about the fourth floor. We go up to -- I am sorry, it is the other way around. This is the fourth floor here, and our building goes up -- the shadow from our building goes up to the fifth floor. It is only one additional floor.

13 The reason it is only one additional floor when we are actually adding 20 feet is because of the set-backs up on top. The set-backs that you see here essentially get rid of the shadow of the top floor of our building as it shows up across the street.

17 If you look at the spring and autumn, again the impact is still only on the Gibson, and now the impact is mitigated somewhat. Rather than having one full additional floor in shadow, we only have one additional floor for two-thirds of its length. It is not for the full length of the building. You can see where the shadow stops right there. And then as you move into the winter months, again that shadow keeps receding across the facade of the Gibson. So rather than being one entire floor, the difference is only one apartment on one floor. That is the difference between a 90-foot high building shadow and our project.

27 There is also a slight impact on 2301 and 2311 M Street in the winter, and you can see that by looking at the shadow up

here. You can see where the matter of right building -- the top floor of that building or just a portion of it gets a little bit of sunlight or some sunlight. With our building, that sunlight on that portion of the top floor is lost. So that is the remaining impact.

5 So in the worst case, we put one additional floor in shadow of the building directly across the street. That was our conclusion and determination with these studies.

8 Now I would like to conclude by just showing you a little more specifically what some of the revisions are between the August 11 drawings and today's drawings. Let me start on the alley side which is shown right here. The revisions that we have made, first of all, involve the shapes of these windows on this facade and this facade. We had previously shown square windows and now you can see that the windows are rectangular. Another change on that elevation involves the shape of this pavilion. In the August 11 drawings, this pavilion was articulated into two small interlocking masses and it was one floor higher. It went right up to the 11th floor. We have reduced it. We have reduced the height by one floor. And to capture that 3500 square feet that we were losing, we took this bar here that runs along 22nd Street and we pushed the wall out 5 feet into our courtyard. So we made this bar slightly wider and we made this pavilion lower.

23 Another change that we made on the alley elevation is the location of the loading. It still is along the alley here, but we had to shift it a little bit closer to 22nd Street. From where it is shown here, we shifted it up to where you see it in this raspberry color right here. We did that just to accommodate changes in the ramp that were necessary to divide the commercial and residential parking. Still the

same number of docks, same clearances, same turning movements. Just a slightly shifted location.

3 And finally on this alley elevation, we made a change in the courtyard, which you can see on this floor plan. We added tiers of balconies for these apartment units. They are shown with these little rectangular boxes. So we start on the corner here. You have four tiers along this elevation and then there are an additional 5 tiers of balconies along this elevation. Again, no changes to the street facade, but changes to the courtyard elevations.

10 Moving onto M Street, we have always shown this bay here projecting four feet out over the property line. That is allowed by the building code because we are in an area that allows for residential construction. We had been showing this bay at 2 feet beyond the property line. We revised it so that this bay and this bay now match and they are both 4 feet over the property line. So the change occurred from this level all the way down to this point.

17 On 23rd Street, we would like to request that we be given the option of adding, as is shown on this elevation, a small spiral stairs that would give the top units -- just actually four units -- here, here, here, and here -- we would like to have the option of putting these spiral stairs that would lead directly from the balcony of the unit up to the roof terrace, which would be a private roof terrace for each one of those particular four units.

24 And finally, we added two notes to our drawings which have some significance. One of them is that in the B-1 level, where we have been showing approximately almost 40,000 square feet of retail -- okay, approximately 30,000 square feet of retail -- we would like to request that we have the option of converting that to

parking in the future if that retail doesn't work out. And then we also added one other note requesting that we be given some flexibility to lower the height of the penthouse here and here -- this is where our two primary concerns are on 23rd Street and 22nd Street -- as we develop our engineering drawings. We haven't completely designed our mechanical systems. As we design them and pick the equipment, we hope to be able to lower those penthouses an additional two feet, but we just don't know yet and we would like to have that flexibility. Thank you.

10 MR. GLASGOW: Madam Chair, I would like to call the next witness, Mr. Lou Slade.

12 CHAIRPERSON BENNETT: All right.

13 MR. SLADE: Good evening. I am Lou Slade. I reside at 3500 Quesada Street in the District of Columbia. I am a Vice President with Grove Slade Associates.

16 I want to briefly review some of the characteristics of the site that relate to the traffic aspects of this project and then talk about the impacts of the traffic. This site is located in what is a wonderful mixed use neighborhood and the density of the population - residential, office workers, retail, hotels, and college students in the area play a big part in how this site will generate traffic and operate.

22 We have two Metro stations very nearby, three blocks to the south in Foggy Bottom and approximately 5 blocks to the northeast at Dupont Circle. This is a commuter corridor. M and L Streets are a one-way pair that can carry large volumes of commuter traffic during commuter hours. And then 23rd, 22nd, and New Hampshire Avenues operate as north/south shunts between that pair and Washington Circle and over to Whitehurst Freeway.

1 So we are in an area of mixed use with dense
 2 populations and in a corridor where there is a significant amount of
 3 vehicular traffic. The traffic conditions on those roads -- while the
 4 roads are operating with high volumes of traffic during the peak
 5 periods, they operate quite well. The levels of service are good. The
 6 level of service is measured in terms of delay and the delay as
 7 measured at those signals at the intersections in the vicinity of the site
 8 are in a very good range. That doesn't mean that there isn't
 9 congestion from time to time, and the most predominant source of
 10 congestion is Washington Circle, which does cause back-ups,
 11 particularly during the p.m. peak hour on southbound 23rd Street, and
 12 I will talk about how that is affected by the project in a moment.

13 There are 250 -- a capacity of 250 parking spaces on
 14 the site currently. That, of course, will be displaced by this project.
 15 We have done a survey in the neighborhood of parking and there are
 16 several thousand parking spaces in off-street facilities within a 10-
 17 minute walking distance of this site. So that displacement will not
 18 cause any problem for the people who are currently parking on the
 19 site.

20 The one-way streets around the site form a pattern
 21 that is counter-clockwise. You can travel directly around the site in a
 22 counter-clockwise pattern. The nature of the one-way streets is that
 23 those intersections operate very efficiently. We don't have opposing
 24 traffic movements like we do with two-way streets, and that is part of
 25 the reason why the flow of heavy volume during the commuter peaks
 26 works as well as it does.

27 We have located the entrances to the garages and
 28 the loading taking into careful consideration how the traffic must flow.

M Street is the major conduit through the neighborhood and we obviously have not located a driveway on M Street, but on the cross-streets.³ The loading is in the alley and I think we will probably have one of the handsomest alley facades in the city.

5 The nature of the project itself and the residents and the visitors to the project will, of course, generate the traffic that we had to take into consideration in our analysis. We have found through studies of projects like this in neighborhoods like this in the District of Columbia that most residents who own cars store them during the week and don't use them for commuting. They have selected this place to live for the ease and convenience of commuting on foot or by taxi cab or by public transportation.

13 The health club, the restaurants, and the retail will draw from this dense population in the neighborhood. The data from New York City at the health club, for example, shows that the vast majority of the people using that club walk in from the neighborhood for various obvious reasons there. In the case of this study, we have felt that we have been on the conservative side and made overestimates of the amount of traffic it will generate. For example, for the health club here, we assumed that half of the people would drive. We don't really think that is going to happen, but some people will drive. If you are leaving parts of traditional downtown and heading west to go home, you might take your car and stop at the health club, park, work out, and then continue on home. So there will be some traffic generated. But as I said, we feel that we have assumed a very high conservative estimate.

27 Our estimates of traffic generated by this site are that in the morning peak hour, we will have about 170 vehicle trips

generated total in and out, and in the evening peak hour, we will have about 295 generated in and out. These are very close to what the matter of right development would generate. There are about 20 vehicle trips more than the matter of right. And as I said, I think we have overestimated a bit on the conservative high side.

6 With those volumes of traffic, we looked at what the impact on levels of service would be and the impact is minimal. We do not alter level of service order of magnitude at all at the four intersections abutting the property. We do have a minor impact on Washington Circle during the p.m. peak hour, that congestion causing problem that I mentioned. But we have estimated that we will only generate about 27 southbound trips on 23rd Street toward Washington Circle, which is about one car every two minutes, and therefore its impact would be not even noticeable.

15 With regard to parking, the zoning ordinance would require approximately 180 spaces give or take depending on the number of residential units. We are providing significantly more than that. We are providing one to one for the residential -- one parking place for each residential unit and then 200 spaces for the retail. If you look at the retail and the health club -- I should say for the commercial. We looked at the retail and the health club and the potential of a restaurant and at the nature of parking demand that could be generated by those uses and we would expect a peak accumulation of about 200 cars during the p.m. peak hour actually as a result of the health club peaking late in the evening. Again, we have used the conservative consumption that 50 percent of the people going to the health club would drive.

28 Finally, with regard to loading, a mixed use project of

this type provides opportunities to consolidate and to manage loading in a way that lets us operate much more efficiently. The zoning ordinance would require 8 loading docks. We are proposing to provide 4. That can work -- we have met and discussed this with DPW -- by managing and consolidating activities at the loading dock. Dumpsters can be used for multiple uses, whereas if this were broken into multiple projects, we would have multiple dumpsters. But we can have a wet dumpster and a dry dumpster, for example, serving the entire project, and we can manage the time at which loading requirements are served by the various uses.

11 DPW asked us in their report for a loading dock management plan. Millennium has created that based on their experience in the New York City and other projects. We have reviewed it and we think we have a very workable loading dock management plan and that is being submitted to you tonight. Thank you. 16

17 MR. GLASGOW: We understand that plan has been submitted for the record. I would like to call the next witnesses. The expert planning witnesses are Jim Gibson and Steve Sher.

20 MR. GIBSON: Good evening, Madam Chair and members of the Commission. My name is James O. Gibson, and I reside at 3001 Veezey Terrace, N.W. in the District. I am pleased to appear before you tonight on behalf of East Bank Millennium Partners proposal to develop a vibrant mixed use project comprised of superior residential units, a major health and sports club, a restaurant, and substantial retail space at 2200 M Street, N.W., in the West End neighborhood of Ward 2.

28 Washington's West End is located in the midst of

some of the most vibrant and attractive areas of the city. Immediately to the west is Georgetown, lively with shops, restaurants, bars, and offices, a popular waterfront, the historic Georgetown University, and fascinating architectural diversity among its restored residences. The Kennedy Center, Corcoran Gallery, Foggy Bottom neighborhood area, George Washington University, and the Watergate complex are all adjacent on the south. To the east are the teeming office densities of Connecticut Avenue and the K Street corridor and further on the downtown business district. The Dupont Circle neighborhood lies north and a portion of the area is bordered on the north and left by Rock Creek Park.

12 The West End, with its nearby subway stations and its growing mix of hotels, offices, restaurants and residences is already well situated to be one of Washington's most desirable, in-town, highly urban neighborhoods. The proposed project embodies key residential, recreational, and retail land uses that are in keeping with this character. Approximately 270 superior quality apartments will be occupied by young professionals, including both singles and couples and mature households who opt for a convenient in-town location surrounded by a stimulating mix of intellectual, cultural, and shopping opportunities within walking distance of the central employment area of the nation's capitol.

23 A high quality full-service health club of more than 87,000 square feet featuring such attractions as a full-size basketball court and a rock climbing wall will be unique in the District and will add a major new city-wide and regional activity generating magnet in the West End. Approximately 70,000 square feet of retail space will accommodate a restaurant of roughly 5,000 square feet as well as up

to as much as 65,000 square feet of retail shops on the first floor and the first level below-grade. These features will support the project's role as an active hub that enhances the West End as a connector between the downtown business core, the Connecticut Avenue commercial corridor, and the Georgetown area. There will be additional people, residents, shoppers, and health club users on the street in the evenings and on weekends, more liveliness, more security, and more stability as a community.

9 In terms of density and height, the immediate area of the proposed development already contains existing hotels, office buildings, and apartment buildings. Some of these structures have a height greater than 100 feet, including buildings at 2311 M Street and across M Street at 1250 23rd. The applicant requests that the project site be rezoned from a C-2-C zone district to a CR zone district. The proposed change is needed to accommodate the mix of uses and the height and density required for this project. The maximum height of 110 feet and the maximum FAR of 7.46 requested for the project are within the PUD standards for the CR zone.

19 As noted by the Office of Planning in its report to the Commission, while the proposed 100 percent lot occupancy exceeds the 75 percent PUD standard for residential use in a CR zone district, it is consistent with the majority of buildings in the CR zone area just to the north. Moreover, the Office of Planning concludes the 110-foot height should not adversely impact either of the two closest apartment buildings, will cast no shadow on the Carriage House, and will not have a significant effect on light and air to the Gibson Apartments.

27 The project will also be a robust contributor to the District's economy, providing 369 permanent full-time equivalent jobs

and 77 spin-off jobs, 50 to 75 percent of which will go to District residents. In addition, the project will add \$6.3 million annually to the city's tax base. Jobs and taxes generated during the construction period will also be substantial -- 550 direct and 132 spin-off jobs and \$3,400,000.00 in one-time taxes.

6 The development of this project on M Street on this site will remove the last major vacant tract on M Street between Georgetown and downtown. By providing one of the largest new apartment buildings to be constructed in the District in recent memory and with a rich mix of recreational and retail uses, development of this project would essentially crown the 25-year effort to redevelop the old West End, an area that was described in 1972 as an under-utilized area of dreariness and decay, a by-passed area of deteriorated houses, obsolete industrial and commercial buildings, and above all, parking slots.

16 Beginning with the comprehensive planning for this area by the National Capitol Planning Commission before the home rule era and gaining intensity in the early 1970's, the West End has long been envisioned by the city's planners as an in-town medium and high-density residential community focused on M Street. A 1972 report by the Office of Planning and Management, "New Town for the West-End", forecast a population comprised primarily of individuals and couples, young and old with few or no children, the same population mix presently living in centrally located high-rise apartment buildings. M Street itself, the report continued, would be lined with retail shops, restaurants, convenient shopping, entertainment facilities, offices and other services, all on the ground floor of high-rise apartment buildings. M Street would thus become the main boulevard

connecting the present M Street restaurant row to the east with Georgetown's M Street strip to the west. That report also anticipated that the West End could offer a competitive market to some of those people who now choose to live in Old Towne, Alexandria or those who would otherwise rent recreation-oriented high-rise apartments in Arlington or Silver Spring because of the in-town convenience.

7 In the long-term and dynamic interplay between planning, zoning, and the market, we are sometimes so focused on the grinding of these forces against each other that we may not always recognize when we have arrived where we set out to go. I submit that in the context of the objectives sought for the West End by city planners, citizens, and the Zoning Commission since the 1960's, completion of this project will provide the critical mass that represents attainment of the vibrant, new, in-town community which was the goal of those efforts.

16 We are here because the applicant believes in this city, this neighborhood, and this site. They have devised a development and marketing strategy for this project that they feel can respond to the challenges still inherent in current market trends that reflect the relative locational advantages of the suburbs over the central city in terms of upper middle class housing. Obviously, it is in both the applicant's interest and the city's to foster a project that can be successful. The essence of this project's strategy is that a critical mass of successfully marketed first class housing units in conjunction with the other proposed recreational and retail uses on this site can provide the needed margin to support the substantial investment that this project requires.

28 In order to reach the essential critical mass, the

applicant needs the requested density. It is not possible to have the density without the proposed height. In other words, without the density and the height, you cannot construct this project. Fortunately, the request to amend the zoning map for this site from the existing C-2-C designation to CR and use of the PUD process will provide the needed flexibility. The project's proposed height of 110 feet is then permitted and so is the proposed FAR of 7.6.

8 As stated in the final report of the Office of Planning, the project as proposed is, in the formal language of the District's charge, not inconsistent with the Comprehensive Plan, particularly the generalized land use map. In addition, since the subject property is included in the mixed use, medium density commercial and high density residential land use category, the project overall satisfies the objective in the Comprehensive Plan for Ward 2 to increase District tax revenues from expanded economic development activity in Ward 2, but not at the expense of residential communities in the Ward that are critical providers of revenue to the District. In fact, it satisfies this objective while also augmenting the size of the Ward's residential community.

20 In general, the project serves at least 8 goals of the Comprehensive Plan Act, as will be gone over in detail by Steve Sher. It promotes the social and economic development of the District and its residents through the provision of quality residential and recreation and retail development. It provides jobs for District residents and it contributes dramatically to the achievement of long-sought planning goals and policy goals for this neighborhood. By authorizing the applicant to proceed with this project, the Commission is in a position to move the long envisioned and slowly emerging West End

neighborhood from a prospect to the actual vibrant community we have sought for this area and I urge you to do so. Thank you for your attention. I will be happy to answer your questions.

4 CHAIRPERSON BENNETT: Thank you, Mr. Gibson.
Mr. Sher?

6 MR. SHER: Madam Chair and members of the Commission, for the record my name is Steven E. Sher. I am the Director of Zoning Services with the law firm of Wilkes, Artis, Hedrick & Lane. Staff will be handing to you momentarily a copy of the outline of testimony which I am prepared to present to the Commission. But given that an awful lot of this has been hit in one way or another by other folks, as you know I am not going to read it all.

13 I would just like to walk you through it quickly and hit the points that I think are most relevant that haven't yet been addressed. We have talked about the site location and the site description and the description of the surrounding area and the immediate environs and so forth and so on.

18 There are in the West End area a number of existing mixed use buildings, most of which have been developed under the CR zoning or the mixed use zoning that was put in in the 1970's, and some of those buildings have been referenced already -- 2311 M, 2301 M, 1250 23rd Street, 2401 Pennsylvania Avenue, which was a PUD, and the Westbridge at 2555 Pennsylvania Avenue and the associated office building.

25 In total, the West End area contains approximately 2,000 residential units. I have attached as one of the attachments to this report a table showing those major apartment houses and the number of units in them. If we add 240 to 300 units in this one, we are

adding about another 15 percent in the terms of the number of units in just this one project. And this project would be the largest apartment building of any of those presently existing in the West End.

4 In terms of zoning, there is attached the existing zoning map whited out to correct the inaccuracies and fix up the things that should be right, and this is essentially right at this point. We have described the proposed PUD, and on pages 6 and 7, the existing C-2-C zoning and the proposed CR zoning. On page 8, I have given you a comparison of the effect of the proposed PUD under CR to what could occur as a matter of right under C-2-C, and you have heard some of this before. The height goes from 90 to 110 feet. Total FAR goes from 6.1 to 7.46. The commercial FAR goes up by .06 or 3 percent, from 2.1 to 2.06. The residential FAR goes from 4 to 5.4 and the number of parking spaces increases from 172 to 192 up to 440 to 500, depending on how many units wind up actually being in here.

16 On pages 8, 9, and 10, I have walked through the requirements of the CR district and how this project meets those. You have heard some discussion about some of the areas where we are at somewhat of a variance, but all of that can be approved as part of the PUD. 20

21 On pages 10 and 11, I have looked at the evaluation standards of Chapter 24 of the zoning regulations and addressed how this project complies with those particular standards. 22

24 On pages 11 and 12 and 13, I have detailed, as Mr. Gibson indicated I would, the relevant sections of the Comprehensive Plan and how this project is not inconsistent with those elements. I would call your attention to a couple of specific things. As I guess Jim mentioned, the generalized land use map shows this site as 25 26 27 28

designated for mixed use, high density residential and medium density commercial, and I have attached as the last item an excerpt from the land use map. The land use element defines high density residential to include high-rise apartment buildings as the predominant use and medium density commercial to include shopping and service areas that generally offer the largest concentration and variety of goods and services outside the central employment area. That is what this project is all about.

9 We've also looked at the other elements including economic development, housing, transportation, urban design, and then finally the Ward 2 plan. One of the specific actions of the Ward 2 plan talks about completing residential development in the West End and requiring or suggesting that the substantial part of the amenities provided in proposed PUDs shall accrue to the community in which the PUD would have an impact. While this project, of course, generates tax revenue which is beneficial to the district as a whole, everything else about this project is related to this particular site and neighborhood. The on-site housing being the primary benefit and amenity, the other elements which Mr. Lanier and Mr. Aarons referred to earlier in terms of projects that we are working on with the neighborhood, all of that happens within this area.

22 We have looked at the neighborhood, and it is evident from all the testimony you have heard and from your familiarity with the neighborhood that these uses are consistent with the overall mixed-use character of the West End. The height is 20-feet higher than what could be built as a matter of right, but it is consistent with other buildings in the area that exceed 100 feet in height. And as Shalom walked you through the neighborhood before, and certainly as

you go further to the east, there are buildings well in excess of 100 feet in height.

3 The FAR is approximately 25 percent higher than what could be built as a matter of right, but from the visual perception of it, and I think you have seen that in the displays that the architects have gone through, the building is not appreciably bulkier than or out of character with the area. In other words, the majority of buildings are built to the full height at the property line. And what you see when you look at them is a facade, whether it is articulated with bays or a straight line wall, and that is what you have here. The open space tends to be from behind, which you don't perceive from the street because the buildings come to the property line, and in effect that is what this building is doing as well.

14 My conclusion is that the project is not inconsistent with the Comprehensive Plan. It is within the applicable height and bulk standards of the zoning regulations. It is compatible with the existing and expected character of the area. The increased height will not be obtrusive, nor will it cause a significant effect on any nearby properties. Housing is the primary amenity and the increased height and FAR make the project feasible and allow the provision of the additional housing that is part of this project, and it is my opinion and my recommendation to you that the project should be approved.

23 CHAIRPERSON BENNETT: Thank you, Mr. Sher.

24 MR. SHER: And I think we did it within an hour and a quarter.

26 CHAIRPERSON BENNETT: That is right, going at 107 miles an hour.

28 MR. SHER: I know what my time limits are.

1 MR. GLASGOW: Madam Chair, that concludes the
 applican~~ant~~'s direct presentation. The economic consultants will be
 available~~be~~ for questions.

4 CHAIRPERSON BENNETT: Thank you very much.
 Let me~~ask~~ that Mr. Lanier and Mr. Aarons return to the table together
 with Mr~~s~~ Baranes and Mr. Handel. I am going to start out with Mr.
 Aarons~~7~~ Can you tell me where exactly on the upper West Side the
 Wilderness Towers is? I happened to live in York City at one point.

9 MR. AARONS: The three buildings run along
 Broadwa~~y~~y between Columbus and Broadway in one case and
 between~~en~~ Broadway and Amsterdam in another, between 66th and
 68th. They are directly north of Lincoln Center in an area that actually
 is very~~is~~ similar to what you see at 22nd and M today -- sort of mixed
 and under-utilized buildings.

15 CHAIRPERSON BENNETT: Okay. You know, when
 it was~~de~~scribed as the upper West Side, I thought it was upper West
 Side. Okay. Sorry. The health club, is that going to be made
 available~~be~~ to the residents of the building for free or at a below-market
 rate for~~membership~~?

20 MR. AARONS: The latter. We market a very much
 reduced~~ed~~ fee at the health club as an amenity for our residential
 tenants~~and~~ and owners and we encourage and in fact have found that it
 serves~~to~~ to bring people to the building and people are given greatly
 reduced~~ed~~ rates.

25 CHAIRPERSON BENNETT: Okay. And the
 residents~~are~~ here will be renters or owners?

27 MR. AARONS: Renters primarily, although there is a
 possibility~~ity~~ that a portion of the building will be condominiums as well.

1 CHAIRPERSON BENNETT: Okay. And do you have
in mind what the rates will be or a range of rates for these
apartments? They are relatively large in size. I understand that most
of them now, if not all of them, will be in excess of 1,000 square feet
units? 5

6 MR. AARONS: Yes. We believe in a range of
apartment sizes as well as apartment layouts to give potential
residents a wide choice of housing types. But you are right, they are
skewed towards the larger apartments. We are currently considering
about \$28.00 per square foot for rent, which would mean that a very
spacious two-bedroom apartment would be \$2,400.00 a month.

12 CHAIRPERSON BENNETT: Okay. My other two
questions really need to be addressed to Mr. Slade and Mr. Gibson,
but I will wait until we bring them forward. Colleagues, questions of
this panel?

16 COMMISSIONER FRANKLIN: The video mentioned
childcare in the health club. Is there a plan to have childcare in this
health club?

19 MR. AARONS: Absolutely. It is once again a very
important component that working parents be able to enjoy the
benefits of the club before or after work or mothers or fathers who are
responsible for childcare have the ability to use the club. It is an
excellent childcare program in New York and it will be the same focus
and same management here in the District.

25 COMMISSIONER FRANKLIN: Mr. Baranes
mentioned that 30,000 approximately square feet of retail might be
converted to parking if the retail didn't work out. Could you sort of
expand on the notion of the retail not working out?

1 CHAIRPERSON BENNETT: That is below-grade
retail, is that not?

3 MR. AARONS: Yes. We have asked the
Commission for flexibility in terms of converting below-grade retail to
parking. By working out, we mean we will be marketing our four retail
tenants from the day we get going. If we find it is impossible to lease
space to a high quality tenant that is below-grade, as we understand
has been an issue here in the District previously, then we would
probably make that change at that particular point in time during the
construction process. It is not anticipated that we would actually open
a store, watch it fail, and then come back and do the conversion. It
would be in the process of our leasing activities, which we would like
to start as soon as we get the go-ahead.

14 COMMISSIONER FRANKLIN: I assume that such a
retailer would have an above-grade entrance and a certain amount of
space above-grade and the below-grade area would be just in addition
to space at grade?

18 MR. AARONS: Correct. We have been actually in
New York quite successful in doing exactly what you describe, and
that is a significant presence on the street, an attractive store, and
merchandizing and selling below-grade with a very inviting way down.
And I would say two of our most successful stores in New York have
60 to 70 percent of their space below-grade and the balance at grade.
We certainly will make every attempt to do that. We just asked to
present the right if that were not successful.

26 COMMISSIONER FRANKLIN: I think we just
approved a PUD at Friendship Heights that has considerable below-
grade retail. Since the architects are present, I have a couple of

questions for them. Obviously, this is a very sophisticated design and my questions may sound in the range of a quibble. I am looking at the street level facade at the corner of 23rd and M and it strikes me as really quite dead below that projection. I am wondering why there is just a large blank wall there. Of course, it is directly across from the fire station, but there doesn't seem to be any life-inducing aspect to that part of the building.

8 MR. HANDEL: It is actually, I think, clearer and more accurately portrayed on elevations that you see. I believe that -- for the record, my name is Gary Handel, Shalom's collaborating architect. I believe that this is the zone you are referring to?

12 COMMISSIONER FRANKLIN: Correct.

13 MR. HANDEL: One of the things that we have learned in our leasing activities in New York is that -- the likelihood is that the above-grade component of the retail and the below-grade component of the retail will be divided up into several retailers. And what is important is to be able to achieve several distinct identities for each of the retailers. And that if you have a continuous glass ribbon storefront that runs entirely around the building, that identity is almost impossible to achieve. So what we have learned to incorporate is really zones that will begin to separate out areas that are the likely entrances to the project. So that until the leasing is accommodated, you don't really know if you were right or not, so it is a little bit of the gamble but we believe that the major retailer will take the corner of 23rd and M Street and this large bay at 22nd and M that Shalom has pointed out. We believe that there is also an opportunity -- and you can see that there is a corner entrance that wraps significantly around the corner onto 23rd Street that could provide another entrance into

another retailer that might be a slightly smaller amount of space. So it is really the creation of the possibility of logically creating separate demises that leads us to create what we call those separating zones between those likely demises.

5 COMMISSIONER FRANKLIN: Would it be anticipated that there might be some signage on that? an opportunity to, once the leasing plan is agreed to, to enliven that facade at that point in time.

9 COMMISSIONER FRANKLIN: Because walls of that nature attract graffiti. I mean, they are just waiting for somebody to deface them.

12 MR. HANDEL: We clean them. They sometimes do.

13 COMMISSIONER FRANKLIN: Maybe this is the fault of the rendering, but I am very taken with the articulation on 23rd Street. That is quite interesting and very attractive. For some reason, you've chosen to really produce a much blander, as I think you admitted, treatment on 22nd Street, and to a certain extent even the north elevation. No maybe the recesses are not captured as well on some of these elevations as others, but 22nd Street seems to me particularly to be shown as a facade that is not that much different from offices. It may be the rendering that is misleading me.

22 MR. BARANES: I hope I said simpler and not blander. This is a building that has -- it is very different than other buildings we have done in Washington where we haven't had that rich mixed use on the interior. Typically most of the buildings that you see around here -- I am talking about a lot of buildings we have certainly worked on -- there is a much more even fabric across the entire -- all the facades of the building. Here, because of the rich uses, we have

had the ability to create major moments or major components on the facades, such as this large glass bay, this one here. Even on 22nd Street, this area here corresponds to the health club. And these are special areas of focus. There is a whole series of them as you move around the building. And I think for that strategy to work -- you know, for those exclamation points in the facade to work, they have to have something to contrast with -- just a fabric -- a much simpler fabric to work against.

9 When you think about what is happening in this facade with all the setbacks and with the variety and shapes and sizes of the windows, it has considerably more going on than most other buildings in the neighborhood.

13 COMMISSIONER FRANKLIN: Okay. Could you describe what is planned for the courtyard? I mean, what the character of the internal courtyard is?

16 MR. HANDEL: Sure. The idea for the courtyard is really twofold. One is that there would be a zone immediately adjacent to the residential wall of the tower that would actually be a private garden zone for the immediately adjacent apartments, so that those apartments wouldn't have public access right up to their windows and also to provide an amenity for those apartments at that level. There would actually be -- there would also be access to the central portion of that courtyard from each of the two elevator cores. There would be a passage created between the private gardens that would lead you into a large public open-landscaped space, which we really see as the opportunity to really create almost as a landscape tapestry. We understand the importance of that horizontal surface almost as a fifth facade for our own residential users and also others

that might have the opportunity to look into it. So we really see it as an opportunity to create a fairly intensely landscaped garden.

3 COMMISSIONER FRANKLIN: So it is a mixture of private spaces for abutting apartments and common space for residents of the project as a whole?

6 MR. HANDEL: Correct.

7 COMMISSIONER FRANKLIN: I think that is all the questions I have.

9 CHAIRPERSON BENNETT: Thank you, Mr. Franklin. Mr. Parsons?

11 COMMISSIONER PARSONS: Yes. I wanted to deal basically with the issue of amenities, which is sort of an elusive thing for all of us. We are used to dealing with commercial offices, where it is a lot easier to get a handle on. I have been overwhelmed by material and of course the project is shifting a bit with the theater changes and so forth, but one of the things you had talked about earlier was a shuttle bus that would go to the Metro stop while the feeders were in operation. Is that still a part of this proposal?

19 MR. LANIER: No.

20 COMMISSIONER PARSONS: Okay. And then there was brief mention about some improvements to Washington Circle, and I haven't heard too much about that tonight. Is somebody going to describe that to us? Mr. Glasgow will testify on that matter -- who has not been sworn in, but we will let him go.

25 MR. GLASGOW: In the nature of a proffer of discussion, we have been -- have had contact with representatives of the Park Service. We have been told that we can replace in-kind the benches and the trash cans in Washington Circle, which evidently

were constructed around 1960. I don't know how much -- when and how much maintenance there has been of those. We physically inspected the site and there are a number that are in significant disrepair. We have been told that the 64 benches are \$700.00 a piece for replacement in kind and the 14 trash cans are \$500.00 a piece. We have also discussed utilizing furniture. There is a little pocket park at 22nd and M and New Hampshire Avenue that has metal components -- metal benches and metal trash cans. We think that they are very physically attractive. We have been told that that would entail an approval process of approximately one year to go back through Park Service and through the Commission of Fine Arts. We are prepared to do that with the community. The park that we looked at for the type of furniture to put in Washington Circle was recommended to us by community representatives and we are interested in pursuing that, in addition to seeing how it is that we can improve the Washington Circle property as an alternative to the replacement in kind. We understand that we can do the replacement in kind, but we are seeing if we can do something which we think is physically more attractive and we think may be more expensive to us, but we are willing to do that with the community.

21 COMMISSIONER PARSONS: Well, how can we deal
with that as a Zoning Commission. Do you want to make a million
dollar commitment or some kind of a -- I am not suggesting a million. I
thought I would get a rise out of you with that. I mean, to say we are
willing to commit to a process with the Commission of Fine Arts and
so forth is your quantification of the cost estimates that you gave
tonight about the limit of your commitment and how much is that?

28 MR. GLASGOW: It is between \$50,000.00 and

\$60,000.00 for the replacement in kind -- for the trash cans and benches. We have got a unit price on those.

3 COMMISSIONER PARSONS: So that is your proposal tonight? About \$50,000.00 to \$60,000.00 to assist the Park Services?

6 MR. GLASGOW: We have been told we can do the work for the replacement in kind or otherwise, with approved materials, approved furniture and fixtures subject to Park Service approval that we have met the specifications.

10 COMMISSIONER PARSONS: If the Park Service said to you, you could replace the sidewalks too, that is where I am going.¹²

13 MR. GLASGOW: I figured that was where we were heading with this. We have not priced any of that.

15 COMMISSIONER PARSONS: I guess the trouble I am having with the project tonight is the spread of the description -- 275 to 300 apartments, 450 to 500 parking spaces. It almost sounds like we are at a first step of a PUD here rather than the specificity we are used to. Can you help me with that?

20 MR. GLASGOW: Sure. Mr. Parsons, I think that with respect to the number of units, we are now talking 240 to 300, which I think that if you look at PUDs such as the Griffin and some others, they were much smaller projects so the spreads were narrower. But on a percentage basis, they are not significantly different than ours. We are not talking about reducing the square footage. We do want to have the ability to respond to the market with respect to the unit sizes. With respect to the number of parking spaces, we spent a lot of time with respect to how we would phrase the number of parking spaces.

We are at 440 to 500, and what we have done is we have taken our maximum accumulation on the commercial side and put that as a constant at the 200. Then what we have done is said we will provide one-to-one parking for the residential, which we think -- so that they dovetail into each other. So that if you are saying, all right, we can have the flexibility of the 240 to 300, the 440 to 500 parking spaces follows from that on the one-to-one basis. And we have tried to cover our maximum accumulation on that basis. So we think we have got that part covered. Now if we can convince you that 240 to 300 is okay, we ought to be all right on the parking spaces.

11 CHAIRPERSON BENNETT: But the square footage is not changing.

13 MR. GLASGOW: That is right.

14 CHAIRPERSON BENNETT: That you are devoting to the uses. So that is kind of -- so you've got a set number of square feet within which there is some flexibility requested.

17 COMMISSIONER PARSONS: I understand. The other thing I am having trouble with is if you eliminate the retail -- or excuse me, if you are not able to rent or lease out retail, certainly you would need less parking I would guess, but your proposal is to add more parking. I am confused with that.

22 MR. GLASGOW: The goal is to be very aggressive to try to find users as we have been able to find in New York and San Francisco and Boston to take that retail. We want to go ahead with the construction. What we are asking for is really the latitude if that retail cannot be leased to be able to reconfigure it into some other use. That we do not be placed in the situation where we have a sterile box that we can't occupy. So that is really the reason for asking for

the latitude. The commitment is to be very aggressive in trying to find a retailer who can utilize that space. We are just asking the indulgence of the Commission should we not be able to do that, would we be able to convert it to parking use so that we don't be left with a box that is 30,000 square feet and 15 feet high sitting on our first level below grade.

7 COMMISSIONER PARSONS: Well, would you suspect that then that would become a commercial parking garage? You certainly wouldn't need it if your predictions were correct.

10 MR. GLASGOW: We wouldn't need it for the project, Mr. Parsons. But when we were both in meetings with representatives of the Carriage House and particularly with the Gibson, we were told that both of those buildings are underserved as to parking and both of those would be interested in parking in our building.

15 COMMISSIONER PARSONS: So I guess I will let you know that I am not inclined to let you do that unless you come back to us and talk about it. But I am not sure how my colleagues will come out. It seems to me that there may be some other amenity that you could provide to the community. I don't know what it would be -- a daycare center or something more active than the empty box that you describe with parking spaces in it. I don't know what it would be, but I think on the amenity side of this project, we are a little light. Mr. Baranes -- oh, I want to congratulate you for taking the theaters out. I know you didn't do it because I was obnoxious. You thought about it, but thank you.

26 I want to talk about the pavilion and how that evolved here in the project as you described it as a pavilion. As I understand it from the plans, that is residential and protrudes out into the courtyard

in almost a fishbowl like fashion as an apartment dweller. Are these your highest end apartments or what does this constitute, this pavilion area? 3

4 MR. BARANES: I can -- let me start by just telling you a little bit about the history of the rear of the building. As I mentioned earlier, this started out as a donut shape. And basically --

7 COMMISSIONER PARSONS: Let me interrupt you.

8 MR. BARANES: Yes?

9 COMMISSIONER PARSONS: What I want to ask you is why you didn't keep an enclosed facade here and use that as -- instead of inserting a pavilion, why not use that pull-back alley wall for apartments looking into the courtyard below and possibly lowering the height as a result? That is where I was going.

14 MR. BARANES: We were concerned about the views out of these courtyard apartments. You know, the inside faces a corridor. The views they would have into an enclosed space with a little view beyond the property line essentially. As you look at most of the apartments in the neighborhood here that are all constructed, almost all of these have openings. So the apartment buildings tend to be L-shaped and they open up into a courtyard or a rear yard and then an alley. That is very, very normal for Washington. And as we reviewed our plans with many of the marketing people who specialize in residential, we were advised that really was potentially a problem and that it was going to significantly decrease the value of those units if we didn't do something to improve their views. So that was one of the -- 26

27 COMMISSIONER PARSONS: Well, what indeed will the view be here? Certainly not of the city in general, but rather the

rear of other buildings and the immediate theater.

2 MR. BARANES: Well, but it is a longer view. That is really what it is about. It is not so much a view of the city. It is not really a vista. It is just rather than looking out 80 feet to another apartment building wall with more apartments in it, you can now look out 150 feet perhaps, to a wall that is much further away.

7 COMMISSIONER FRANKLIN: Can you see the Lincoln Memorial?

9 MR. BARANES: You might be able to out of one of the corner units, but generally not for most of these apartments. Initially, when we had this closed off, we essentially had repeated another masonry bar going across the south side of the property. We started out by cutting it out almost 20 feet at a time. We started opening up the south wall 20 feet at a time, and we found it to really make sense to really capture additional sunlight into the courtyard and into the apartments and really to significantly improve just the distance of those views from these apartments that we had to bring our light back almost two-thirds of the distance, which is what you see in this rendering here. And at that point, rather than leaving it as masonry, which would have made it appear as if this leg on 22nd Street was just hooking around, we decided to change the material and make that read as a pavilion. That was strictly an aesthetic decision.

23 COMMISSIONER PARSONS: So if you were to ignore your marketing people and continue across the back with apartments with the rear window approach, would you achieve the removal of the top floor of this building and get your density that way or not?

28 MR. BARANES: We might achieve the removal of

one floor. I can just estimate it right now. But we would significantly, I think, decrease the quality of a large number of units in the building by doing that.

4 COMMISSIONER PARSONS: How many units are in the pavilion then?

6 MR. BARANES: Let's see --

7 COMMISSIONER PARSONS: You don't know?

8 MR. BARANES: No, I can tell you. It is probably about 3 to 4 units per floor times 5 or 6 floors. It is 5 floors. So it about 50 units.

11 COMMISSIONER PARSONS: And then I have to ask you about the vertical element and the glass wall on the east end of that. What is that?

14 MR. BARANES: I am sorry, this part here?

15 COMMISSIONER PARSONS: Yes.

16 MR. BARANES: Well, I have to confess, our renderer got a little carried away. It is really just part of the window system. It won't be as deep as it is shown here. It will be just an aluminum mullion that you see on all of the -- for example, on this curtain wall here -- this vertical element here -- except that it is a little bit heavier and a little bit more articulated. It will protrude out about 6 inches.

22 COMMISSIONER PARSONS: It had a trash chute look to it. The renderer -- maybe you ought to get another guy the next time. And I've got to ask you about the spiral staircases. Are they external?

26 MR. BARANES: Yes, they are external.

27 COMMISSIONER PARSONS: And are they going -- is that the only access to the bedroom?

1 MR. BARANES: It is access to the roof or to the
 terrace2 The top floor units will have direct access from the unit itself
 up to the roof with the spiral stair. And those particular floors,
 because we do have such a large setback of balconies, are
 particularly deep. So the spiral stair is actually about 5 feet away from
 the glass railing on the street.

7 COMMISSIONER PARSONS: So when they get to
 the roof, what is there?

9 MR. BARANES: There will just be a railing that will
 protect the opening of the stairway and then there will be a terrace
 that will be paved and will have some planters in it and they will be
 able to place some furniture out there.

13 COMMISSIONER PARSONS: So each one is a
 private enclave then?

15 MR. BARANES: That is right.

16 COMMISSIONER PARSONS: As they get to the top.

17 MR. BARANES: That only happens for four of the
 units. 18

19 COMMISSIONER PARSONS: Let's go to the
 courtyard, if we could, next to the pavilion. I am concerned about the
 lack of richness, if you will, of the roof of half or two thirds of that
 courtyard. What is happening there? I understand from the previous
 testimony the garden on the north side there. But is it a massive area
 of roof? 24

25 MR. BARANES: Yes.

26 COMMISSIONER PARSONS: What occurs there?

27 MR. BARANES: This is a roof we will pave. We don't
 have any specific use assigned to it

although --

2 COMMISSIONER PARSONS: Why not spill the garden out into that?

4 MR. BARANES: We could do that. This is a level above the courtyard below. It is two levels actually. These units here would have some access to a depth probably of about 20 feet where we could create some private outdoor space along the edge here and along the edge here.

9 COMMISSIONER PARSONS: Well, how about a swimming pool or something? I am not going to try to design it for you. But if this is your view from all of these units -- how wide is that? It looks massive, but it may be the rendering.

13 MR. BARANES: It is about 60 feet wide approximately.

15 MR. BARANES: Don't you think that is a real opportunity? It is just a matter of money.

17 MR. BARANES: Well, we do intend to put favors out there. We will put some planters out there.

19 COMMISSIONER PARSONS: There ought to be umbrellas and tables -- it ought to be just wonderful.

21 MR. BARANES: You are right. It should be and we will do that.

23 CHAIRPERSON BENNETT: You see how he got out of that?

25 MR. BARANES: As a matter of fact, we have a terrace almost exactly like that outside of our office in Georgetown. It will have that sort of a character if you have seen those buildings.

28 MR. AARONS: We can call it Parson's Screen.

1 COMMISSIONER PARSONS: Well, you've got to do something. Just ventilating staff and stone roof? No.

3 MR. BARANES: No, no. It won't be that way.

4 COMMISSIONER PARSONS: It has got to be different.

6 MR. BARANES: We will landscape that portion.

7 COMMISSIONER PARSONS: I mean at \$2400.00 a month, it has got to be plusher than that.

9 CHAIRPERSON BENNETT: You know what I am saying? All right, thank you. Colleagues, do you have questions of Mr. Slade or Mr. Gibson?

12 COMMISSIONER PARSONS: No, I don't.

13 CHAIRPERSON BENNETT: All right. I spent a little while, Mr. Slade, looking for the bicycle spaces. I finally found them on D-15, which is one of the exhibits that was just handed out to us. Because there was a concern expressed in the DPW report. So I don't need you any more about that.

18 COMMISSIONER FRANKLIN: Well, just out of curiosity, how many bike spaces are there?

20 CHAIRPERSON BENNETT: Are there just the five?

21 MR. SLADE: I saw them this afternoon and I think there is-- well, we are meeting code. Bike spaces are required by code. We are meeting code, and I guess 5 on each level.

24 CHAIRPERSON BENNETT: Yes, I think there are five. And then, Mr. Gibson, just a comment. Were you by chance quoting yourself when you were describing the 1970's description of the character the West End?

28 MR. GIBSON: No, Madam Chair.

1 CHAIRPERSON BENNETT: I thought you might be.

2 COMMISSIONER FRANKLIN: Two of us thought you
were. 3

4 MR. GIBSON: Actually, with the other comments --

5 COMMISSIONER FRANKLIN: Well, your comments
were very well taken.

7 CHAIRPERSON BENNETT: Yes, if you stay around
long enough, you see a lot of changes. Questions of Mr. Gibson or
any of the other panelists that came up for the applicant? All right.
Thank you very much.

11 MR. GLASGOW: Thank you.

12 CHAIRPERSON BENNETT: I take it you want to
make closing remarks?

14 MR. GLASGOW: Yes, and we will probably want to
have some rebuttal.

16 CHAIRPERSON BENNETT: Is there a need to get
the TV moved? All right. We will take a five minute break and give
everybody a chance to stretch.

19 (Whereupon, at 9:08 p.m. off the record until 9:18
p.m.) 20

21 CHAIRPERSON BENNETT: I would like for all of us
to come back to our seats and resume the hearing. Are all of the
parties available? I don't see counsel for the applicant. I just called
for you, Chip. Are all of the applicant's witnesses here? All right.

25 The next order of procedure is for there to be cross
examination of the applicant's witnesses by the other parties. ANC 2-
A is represented, I take it?

28 MS. MILLER: No, we are not because we couldn't

come to a conclusion.

2 CHAIRPERSON BENNETT: Okay, wait a minute.
Hold up. You need to come forward and identify yourself. Give us
your home address.

5 MS. MILLER: I am Dorothy Miller and I am ANC 2-A-
05. We had a special meeting and three commissioners were against
it and three commissioners were for it and we submitted the results of
that to the Zoning Commission.

9 CHAIRPERSON BENNETT: But there is no one here
from 2A who wishes to cross examine regardless?

11 MS. MILLER: I would like to, but I don't know whether
I have the authority to do it. But I certainly would like to because I got
the transportation report tonight and there is a big discrepancy in that
from what was told you.

15 CHAIRPERSON BENNETT: Okay. What -- since we
don't have anything saying that ANC 2-A authorizes you to come here
and exercise that prerogative, we will move on. But thank you very
much. 18 We did get the report. It was pretty lengthy and very
interesting.

20 MS. MILLER: And we reflected the views of the
community.

22 CHAIRPERSON BENNETT: That is right. All right.
Thank you. Cross examination by Ms. Kahlow?

24 MS. KAHLOW: I have none.

25 CHAIRPERSON BENNETT: Okay. You have what?

26 MS. KAHLOW: None of these witnesses.

27 CHAIRPERSON BENNETT: All right. Thank you.
Moving right along, we will next hear the report of the Office of

Planning. Mr. Colby?

2 MR. COLBY: Thank you, Madam Chairman. Alberto Bastido and I are here representing the Office of Planning. Before Mr. Bastido summarizes our report on the case, I would like to point out that whereas OP had some concerns in regard to the large movie house component of the earlier manifestation of this project for the site, we believe the replacement of that theater component with an additional 100 units results in an extraordinary project use-wise, important for the city and very important for the neighborhood. With that, I would like Mr. Bastido to go ahead and summarize our report.

11 MR. BASTIDO: Madam Chairperson and members of the Commission, for the record my name is Alberto Bastido with the Office of Planning. Our report was submitted to the Commission on September 2. Our report basically has been discussed extensively by the applicant and his representative. Our report noticed the applicant's proposal, the site and area description, existing zoning. It then goes to the planning and zoning issues, consistency with the Comprehensive Plan, which the Office of Planning determined that the project is generally in consistence with the Comprehensive Plan. There is consistency with the evaluation and standards of Section 2403 of the zoning regulations, in which the Office of Planning determined that the proposal is consistent with those. The neighborhood impacts, in which the Office of Planning determined that there appear not to be deleterious impacts in the community. discuss that later on. The zoning issues, the urban design, the parking and traffic, as we at the Office of Planning saw it, the Office of Planning again defers to the Department of Public Works regarding those matters.

1 The amenities and benefits in relation to the degree of flexibility requested, which is an extrapolation of the applicant's proffer on project benefits and project amenities that begin on page 21 of their August 11 submission. If you want, I can go into detail on that. But I think that that also has been elaborated on.

6 The agency referrals and comments with the Department of Public Works, Metropolitan Police Department and Fire and Emergency Medical Services -- the Metropolitan Police Department and the Fire and Emergency Medical Services did not provide a report. The community comments, you have them on the record officially from the community.

12 The Office of Planning recommends basically approval of this application. The Office of Planning believes that the development is compatible with other uses in the area and that it is not inconsistent with the Comprehensive Plan, including the designation of medium density commercial and high density residential under the generalized land use map. It is unlikely that the project will have negative impacts on the immediate neighborhood in terms of parking and traffic. The height of the building is not inconsistent with other buildings in the area. The additional 20 feet in height over 90 feet allowed as a matter of right will not significantly affect adjoining residential buildings in the judgment of the Office of Planning. And based on our report and discussions with the Applicant, the Office of Planning recommends approval of this application.

25 The Department of Public Works had submitted a report to the Office of Planning which is three pages in which they analyze the transportation system, the impact of the proposal on that transportation system, the trip generation and levels of services,

parking and loading facilities, and access and circulation and basic LEV. The Department of Public Works states at the end that from a transportation standpoint, the proposed PUD will not have an adverse impact on the local transportation system. Therefore, the Department supports the proposal. That concludes my presentation, and David and I will try to answer any questions you might have. Thank you.

7 CHAIRPERSON BENNETT: Thank you, Mr. Bastido. Let me ask this. Mr. Parsons raised the question of the weight and quality of the amenities package here. Again, I see your comments on pages 15 and 6 which fairly summarize the applicant's proffer. In your judgment, do these amenities measure up in terms of what is being asked for in this PUD application?

13 MR. BASTIDO: Yes. The Office of Planning believes that the proffered number of square feet for residential plus the retail and other amenities that will be provided for the neighborhood will enhance the quality of the neighborhood and will tend to provide the required critical mass to anchor this area of the city as a residential area with retail and other amenities related to that.

19 MR. COLBY: I would like to basically say the same thing but just in slightly different words. The amenities can be proffered on the part of the applicant in terms of fix this park and pay something to provide a daycare facility or do something special for Streetscape, and all of those things are valuable. That is one level of amenity. You can add those up and they relate to the community and to kind of a sense of fitting this project into the community. But there is another level of amenity which is really a by-product of the project itself, as I view it, which is the changes that this will bring to that community, which I think are more positive by far than negative.

There will be changes because of this and because of the retail. That is really the amenity in this case which the applicant creates by taking the risks that I think are substantial in providing that much residential in one location at one time. That is a substantial risk. In any case, I think that is really where the amenity should be weighed in.

6 CHAIRPERSON BENNETT: Thank you, Mr. Colby.
Colleagues, questions of the Office of Planning?

8 COMMISSIONER FRANKLIN: Mr. Colby, would another way of stating the proposition be that "amenities" are often proffered in cases where they are to mitigate perceived or potential adverse effects of a project and where a project does not have perceived adverse effects but maybe perceived beneficial effects, the creation of sort of an ancillary amenity package has to be viewed somewhat differently?

15 MR. COLBY: Yes. I think in a PUD there is a real struggle to find amenities that are meaningful in the community, and I think that this applicant has struggled and found some things that the community wants and that will enhance the community. But again, the real amenity is the change that will follow once these residential units are online and this retail.

21 COMMISSIONER FRANKLIN: Thank you.

22 CHAIRPERSON BENNETT: Thank you. Mr.
Parsons, questions for OP?

24 COMMISSIONER PARSONS: Mr. Colby, do you think -25 and this is the subject of another discussion, but it would seem to me that we should be revising our PUD guidelines. Because every time we come up against a residential proposal, which we have had a lot of in the recent past, the same argument is made. I am not going

to mention by name, but I think you know where I am coming from. Maybe we should be relooking or rethinking our amenities requirements, if you will, when it comes to residential projects.

4 MR. COLBY: I understand what you are saying. I don't know exactly -- I mean, I think we have been consistent in the Office of Planning in treating or believing that just the very nature of residential, particularly when it is not easy to come by -- and I think maybe that is the test -- I mean, if we were in an area where residential were coming out our ears and that is all that people would produce, I think we would be looking for something else as an amenity. But I haven't --

12 COMMISSIONER PARSONS: Maybe office space, huh? 13

14 CHAIRPERSON BENNETT: Shame on you.

15 MR. COLBY: But I haven't gotten that used to residential, particularly where you don't have to buy it with a whole lot of office space. That I really think this is the amenity. I mean, I think you are raising a good question. I don't know how to answer it except to say 19

20 COMMISSIONER PARSONS: For later. For later. Thank you. 21

22 CHAIRPERSON BENNETT: All right. Cross examination of OP by the applicant? 23

24 MR. GLASGOW: None.

25 CHAIRPERSON BENNETT: Ms. Kahlow?

26 MS. KAHLOW: None.

27 CHAIRPERSON BENNETT: All right. Thank you. Moving on, we heard of the report from DPW. I believe we

have something in our packets from Chief Solsby. We do have the report of the Advisory Neighborhood Commission 2-A in our packages, and I understand that they have not designated someone to speak on their behalf. Is ANC 2-F here and do they wish to testify? All right. Let us move then to parties in support. Ms. Kahlow?

6 MS. KAHLOW: Hi, I am Barbara Kahlow, and I have with me Robert Egger. In my party status letter, I explained that we were a two-part performance, as it were. I will introduce him when it comes to the right point.

10 I, Barbara Kahlow, am an owner in the Westbridge Condominium located at 2555 Pennsylvania Avenue, which is two and a half blocks from the Southwest corner of the site in the West End of Ward 2. On August 11, I formally requested party status in this case, and I was granted party status by the Zoning Commission for the earlier PUDs on this site, all of which I opposed. Now I fully support the new PUD and map amendment proposal.

17 In addition, as an individual and formerly as Vice President of the Foggy Bottom Association, I have testified and continue to testify on land use issues in the Foggy Bottom West End and other parts of Ward 2 before this body and all of the other land use bodies in the city. I believe in liveable neighborhoods and a living downtown, and I think this is going to help both, and I will explain herein why.

24 I believe the new proposal will revitalize the West End by providing three new apartments and high-end retail and will result in increased safety for all residents in the West End. As you know, safety is something I continually mention as a woman. The current parking lot is unsightly and it is a dead block. It is unsafe for walkers

like myself in the neighborhood.

2 Earlier proposals before this Commission, which Mr. Parsons and Ms. Bennett were here for, were 25 percent, 33 percent, and then 38 percent residential component and the rest was commercial office space. I said no and you said no. I remain thrilled - - I am thrilled that the new proposal contains a 72 percent residential component, which exceeds the 67 percent required by this current C-2-C zoning -- not the CR zoning, but the C-2-C zoning -- and has zero commercial office space, i.e., there won't be a dead block effect.

10 Before I was sold on the proposal, however, I decided I would fly to New York City so I would see where they were, Ms. Bennett, and I did it at my own expense. I was kindly treated, my mother and I, to a tour of the three Millennium mixed use residential retail developments around Lincoln Center. I was very impressed with them, with their large, full-service health club like the one that was proposed for this site and I also liked the movie theaters, even though that was New York and this is Washington.

18 As everyone here knows, I was instrumental in enactment of a provision in the 1994 amendments to the Ward 2 plan part of the Comprehensive Plan codified at 10 DCMR 1339(j) which provides "a substantial part of the amenities provided in a proposed plan unit development shall accrue to the community in which the PUD would have an impact. The proposed PUD is the first PUD in the Foggy Bottom West area since this provision became effective. So your questions were all very timely. I am happy to report that the proposal, unlike all of the earlier proposals at this site includes genuine and important amenities to the community in which the PUD would have an impact. They may not be all that we would want, but

there are a lot. These include new park benches and wastebaskets similar to those in the Triangle Park at 23rd and M Street and New Hampshire Avenue, which was adopted by a private corporation in Washington Circle. Right now, the benches there are not only unsightly, they have led to a great number of health problems in the community. When I walk to and from home to work, back and forth every day, there are rats galore because of the whole problem on that circle. That circle needs a clean-up. As a consequence, in addition to the actual clean-up of the circle itself, the developer has agreed to clean up the three unsightly parcels at the land triangles to the west of the circle. To the east of the circle, the IFC did it as part of their amenities package, and now we have unsightly things to the west where bushes or people, et cetera, hide and belongings, and they are going to clean those up. It will beautify the immediate area, which is close to them and close to the rest of us. It is the middle of the city. There is a monetary contribution to the Homeless Feeding Program, which was begun by the Foggy Bottom West End community using funds from an alley closing for the International Monetary Fund and of course that PUD proposal came before you and I remember I was a party. And lastly, there is hopefully going to be some streetscape lighting in the area around the site.

22 Let me talk a little bit more about the homeless. I served on the former Mayor's task force on the homelessness. I was the only representative from Foggy Bottom and one of two from Ward 2, and thus I am knowledgeable about the homeless problems throughout the city. I conceptualized Care-A-Van, which is a huge mobile van to provide full services to the homeless. Care-A-Van was originally operated by the Cooperative Urban Ministry Center and will

now be operated by the D.C. Central Kitchen, whose executive director, Robert Egger, is the second-half of my two-part show. He will testify after me about the history of the kitchen and its plans for Care-A-Van, which will include breakfast as the Cooperative Urban Ministry used to have across from the IMF site at 19th and Pennsylvania Avenue, in the commercial area of Foggy Bottom West End, and a new wrinkle. We are going to have dinner in Wards 7 and 8, where there is a great need.

9 Originally, the PUD proposal included another amenity. As Mr. Parsons pointed out, the shuttle bus to and from the Foggy Bottom Metro site. Since this amenity was removed due to the absence of the movie theater component, I am happy to report that there will be an increase in the financial contribution to Care-A-Van.

14 Also, though they didn't mention it today, there is an additional community amenity which is on the table but not yet finalized, and something that would be very exciting for the dead space that you all mentioned. That would be the community policing center, similar to the one in Georgetown, for the new public service area in Foggy Bottom, which was now set up by this police business. They would be volunteering the space and that would increase the safety for all of us and that would be a tremendous benefit. But that is not yet finalized. I did talk to the police commander yesterday, and she was unaware of the Zoning Commission timetable and their bureaucracy, as you can imagine, in a city agency just couldn't move fast enough to finalize the deal. But I know there is a great interest in it by the developer as well as I can speak for myself and I think it would be great.

28 Lastly, I wish to express my regret at the

dysfunctionality of the Foggy Bottom and West End Advisory Neighborhood Commission ANC 2-A. A resolution of support for the current proposal failed by a 3 to 3 vote as Ms. Miller pointed out. A second resolution, which was replete with factual errors that we wouldn't even dignify by a discussion, also failed by a 3 to 3 vote. Unfortunately, three of the current ANC 2-A commissioners only can say no to any proposed development, including the one which would enhance the quality of life for the majority of the people in Foggy Bottom West End. Only one of the six commissioners on that ANC reside in the West End. He is absolutely in favor of it and he has gotten letters that you have seen quoted in the newspaper in the order of 5 to 1 from residents in the West End who think it would be just great. Thank you for the opportunity to testify about this exciting proposal, which will result in a more liveable neighborhood for us and will contribute to a living downtown by adding residential nearby. Thank you. Robert?

17 CHAIRPERSON BENNETT: Thank you, Ms. Kahlow.
Mr. Egger?

19 MR. EGGER: Good evening, ladies and gentleman.
My name is Robert Egger. I am the director of the D.C. Central Kitchen, and I reside at 1822 Park Road, N.W. The D.C. Central Kitchen uses refrigerated vehicles to safely retrieve the surplus unserved food of the area's hospitality industry. We retrieve roughly 600 tons of food annually, which we bring back to a central kitchen, hence the name, located two blocks that way.

26 We have a job training program in which we teach unemployed men and women basic cooking skills while we convert these diverse donations into over 3,000 meals which we distribute

throughout the community to roughly 110 different shelters and feeding programs, and that is throughout Maryland, Virginia, and Washington, D.C.

4 Earlier this year, we were offered the opportunity to take over the administration of the Care-A-Van, which Ms. Kahlow described earlier. Part of the administration of that was the stipulation that we continue the service offered on the street at 18th and Pennsylvania Avenue. We took that on gladly because we viewed this as a larger -- we saw this as a larger opportunity to expand services to areas of the community which receive very little, if any. In particular, to some of the emergency shelters or trailers that have housed people throughout the area. No longer can we as a society, I think, allow men and women to just be put into these boxes day in and day out without some hope of a way up the ladder, if you will. The Kitchen represents, I think, one of the first rungs in that we provide the sustenance that allows people to heal their bodies.

17 Currently, these shelters receive only soup and sandwiches. They receive those from us. About three years ago, we took it upon ourselves to raise the money to at least offer some sort of nutritional sustenance every night where there was none currently being offered. We have oftentimes bemoaned the fact that that was all we could serve. That was limited specifically because oftentimes these shelters or emergency trailers have no facilities to heat or keep foods cold. Ergo, we could only send soups or stews, if you were, in large thermal containers called Cambro containers.

26 Having access to the Care-A-Van enables us now to reach out to these shelters and offer full meals so that we can hopefully make them much more attractive, ergo attracting more men

and women to these shelters where they can receive this level of services that will make them eventually capable of entering the job training program at the D.C. Central Kitchen, and then hopefully into some of the very restaurants as employees that we will open at this development. That is it in the a nutshell. I do have brochures of a limited quantity that I can submit to the record if so desired.

7 CHAIRPERSON BENNETT: Let me ask you this, one of those emergency shelters, does that include the trailers on Martin Luther King across from St. E's?

10 MR. EGGER: Yes, it does.

11 CHAIRPERSON BENNETT: Okay. And in Ward 7 -- are there trailers in Ward 7 as well?

13 MR. EGGER: No. Right now what we are looking at primarily is Randall Shelter, Emory, Doug Crummel shelters.

15 CHAIRPERSON BENNETT: Oh, yes.

16 MR. EGGER: Also, there are trailers across there. We are also interested -- right now, we received a generous grant from the Episcopal Dioceses of Washington to begin these services. We have larger ideas, as you can imagine. This vehicle, as we can use it right now, would be primarily in the morning and then an evening run utilizing volunteers from a variety of churches. There is all day long. We work, as you may or may not know, with most of the shops in Washington who come and teach at the D.C. Central Kitchen. We would like to take their knowledge further into the street to offer nutrition classes at schools or community centers throughout the area. So we envision the Care-A-Van being used on a city-wide basis to take not only food but nutrition education to areas of the city which currently have very limited services.

1 CHAIRPERSON BENNETT: Okay. That is very
 2 interesting. Thank you. Colleagues, question of Mr. Egger or Ms.
 3 Kahlow?

4 COMMISSIONER FRANKLIN: How many Care-A-
 5 Vans are there?

6 MS. KAHLOW: There is only one. And when I
 7 originally conceptualized it, I had hoped that we would be a model that
 8 would be developed across the country. It hasn't materialized
 9 because we haven't found the money and we haven't had, I think, as
 10 much press as we could have. I still have those hopes. We are going
 11 to talk to the Point of Life Foundation. They have been very interested
 12 in it, and I think that we should expand it across the country in urban
 13 areas. That was my original vision.

14 COMMISSIONER FRANKLIN: How many vans do
 15 you think would be needed to serve the District of Columbia? Or how
 16 much does a van cost, I should add?

17 MR. EGGER: This is a very specialized van. Hence,
 18 our desire obviously to use it. I think it roughly costs about
 19 \$100,000.00.

20 MS. KAHLOW: It costs about \$120,000.00. We got
 21 \$346,000.00 from the IMF and a third of it was for the actual vehicle.
 22 It is about \$120,000.00. Winnebago customized this van. As Robert
 23 says, it has the cold and the heating capacity. It had a little area for a
 24 social worker to have a private little office to interview the homeless.
 25 They gave out tokens. They referred them to job possibilities and all
 26 kinds of services we provided. That is the way the vehicle was set up.
 27 It has great potential. If we had more money and more other
 28 foundations and stuff, it would be great.

1 COMMISSIONER FRANKLIN: So in your view, how
many ~~do~~ do you think reasonably you would need to properly serve the
needs ~~in~~ in the District of Columbia or don't you know that?

4 MR. EGGER: I don't know that.

5 CHAIRPERSON BENNETT: Well, let me ask this.
Does ~~So~~ So Others Might Eat and some others -- are there not other
feeding ~~programs~~ programs -- let me back up. I know there are other feeding
programs ~~as~~ as. Are there not other mobile feeding programs like So
Others ~~Might~~ Might Eat or some other kinds of facilities that move around
and try ~~to~~ to meet the needs -- the nutritional needs of the homeless
through ~~the~~ the District?

12 MR. EGGER: There have. Although the majority of
these ~~services~~ services are offered in Northwest. And again, our larger
purpose ~~and~~ and vision is to reach out to areas of the city which have
currently ~~very~~ very few services offered.

16 MS. KAHLOW: And let me just say about these other
vehicles ~~as~~ as. You know, you see these little tiny vans and they hand out
sandwiches ~~and~~ and soup. I walk by it every single night walking towards
Washington Circle to my home. They aren't the hot meals. I mean,
that is ~~what~~ what people need. That was the concept.

21 MR. EGGER: If I might suggest also, the idea is to --
again, ~~personally~~ personally, I am not as interested organizationally in feeding
people ~~on~~ on the street. We want to make the shelter system more
amenable ~~so~~ so that people come in. The days when there is not as
much ~~there~~ there is just not as much social services being offered. We
have ~~to~~ to offer men and women the alternative to come in. And if food -
- and quite frankly, if I had a choice of staying outside and
panhandling ~~versus~~ versus going to a shelter where I got soup and a

sandwich, I might take my odds on the street. I would much prefer to offer a really decent meal for people, so it is an attractive alternative. And again, we need to bring people in off the street so that they can take advantage of what services remain.

5 CHAIRPERSON BENNETT: Okay. Thank you.

Cross examination by the applicant?

7 MR. GLASGOW: No.

8 CHAIRPERSON BENNETT: All right. That will work.

Thank you very much. I appreciate it.

10 MS. KAHLOW: Thank you.

11 CHAIRPERSON BENNETT: Are there other persons in support who wish to testify this evening? Mr. Lynch, this is for -- persons in support. Please come forward. Anyone else who is in support and who wishes to testify?

15 MR. LYNCH: Good evening. I am Terry Lynch, the executive director of the Downtown Cluster of Congregations. Good evening. For background, Mr. Franklin and Ms. Bennett and Mr. Parsons will recall that the Cluster was a successful applicant in the downtown development District case. I have had the benefit of serving at the mayor's request both on his Arena Task Force and on his Interactive Downtown Task Force. All three initiatives which sought to revitalize the downtown area through a unique mix of attractive uses that will revitalize the central core.

24 Because of that background and that experience is why I am here to testify strongly in favor of this PUD, even though as a rule I am against PUD. Which doesn't mean there shouldn't be a time limit on this, but usually as a rule I am against Wilkes, Artis, but we are breaking all the rules tonight.

1 You have my testify. There is basically four reasons
 to strongly support this, one which you have gone over extensively
 already is the residential. And I think we are offered here real
 residential. Unfortunately, Foggy Bottom was sold a bill of goods and
 the city was that hotels would serve as residential or extended stay
 places would be residential. That is not what we are getting here. We
 are getting real residential in that these people here are going to be
 new residents, they are going to be taxpayers, and they are going to
 participate in the civic life of the city, unfortunately which we don't get
 with hotel use. It is tragic what happened to Foggy Bottom in terms of
 the hotels. This is starting to check the balance there.

12 So you've got the residential, which you have already
 heard plenty about. Secondly, you are looking at really a unique type
 of retail/recreational use here. This -- I should say it was probably
 about a year and a half ago that my organization sent myself and my
 vice president, Mary Ann Carrick, up to New York to look at the sort of
 mix of dynamic urban retail that was working in cities. We were
 particularly interested in what could work in Garfinkles. So we went to
 look at Millennium. Let me say Ms. Carrick -- she is a retired school
 teacher and she lives down on Bates Street -- doesn't have a car.
 She is chair of her Board of Trustees and among her many great
 qualities and expertise is she is a shopper. She fell in love with the
 mix of uses that they had in New York. That is the only testimony and
 witness I needed. She loved it. She couldn't get enough of it.
 Somehow, Millennium has got their pulse on what people want in
 terms of recreational retail use. That is just the reality and that is what
 we need to bring to downtown Washington.

28 Thirdly, you are looking at the economic benefit.

They are residents. They are going to pay taxes and sales taxes.

They are going to be involved in the life of the community. In the retail end, we are going to get a high percentage of those jobs. Unlike in the office uses that we see where we get such a low percentage of the jobs for District residents, we are going to get a high percentage of the jobs that this retail is going to have, both I think at the restaurant, shopping, and recreational use there. We are going to get employment opportunities. People are going to have opportunities to move up, and I think the developer will work to make sure that job share is high for District residents. So I am very excited about the economic returns.

12 And fourthly, and very importantly, this developer I think is committed to working with the community. Just from the set-down, you have seen a number of changes in design, access, egress, traffic pattern. They are committed to working and I think they will continue to work on how do we meet the 101 array of opinions of any project that you get in D.C. And this developer, as opposed to trying to split the community -- you know picking a favorite charity or favorite group and splitting the community -- was really willing to work with the community.

21 So I think those are the four reasons why this is really the kind of dynamic mix of residential retail that you are going to see more of, particularly in the East End as well as the West End. This is going to bring back downtown D.C. and this is what is revitalizing and that is what each of those efforts -- the DDD, the Arena Task Force, and the IDTF -- are struggling to achieve. This is it. This is the kind of project that is going to get us there.

28 CHAIRPERSON BENNETT: Thank you, Mr. Lynch.

Questions, colleagues, of Mr. Lynch? Cross examination, applicant?

Ms. Kahlow?

3 MS. KAHLOW: No.

4 CHAIRPERSON BENNETT: All right. Thank you.

Good evening.

6 MS. MADDUX: Good evening. I am Sara Maddux. I live at 522 21st Street, N.W. I am an Advisory Neighborhood Commissioner for ANC 2-A-06.

As you know, we are rigidly, as an ANC, against -- if this were an office building, you would see us down here like a set of pit bulls.

Thank God it is not an office building. It is residential, residential, residential. It is the best thing we have seen since I have been

participating as an ANC commissioner. It is a developer who has

worked with us. The developer had a community forum with us in

December. They began to hear the concerns of the community and

went out to meet with the individual buildings surrounding it. It is the

first time we have had that kind of reciprocity and interest and I would

hope that it would set the tone for others who are coming to the

neighborhood.

20 One issue I would take with the letter that was sent in by our chair -- there is a sentence in there that said no one spoke in

favor of the project. That is not true. I spoke in favor of the project

when we had our special meeting because I was particularly

impressed by the concerns of their going out to the Carriage House

and other places to hear their concerns. They made changes in the

presentations between December and our special meeting. So they

did come to the community.

28 No project is going to be perfect, but we have been so

overwhelmed by developers who whiffle us off by large ugly office buildings, and I will be glad to take you on a night tour of those, that this will be wonderful. A night tour so you can see how dead the IMF is and how dead the IFC is and how dead other blocks are now that they are finished. There is no life on the street. There are no restaurants now in that part of Pennsylvania Avenue where we used to have three or four. There are no openings where we can go and have an ANC meeting because what they used to offer us is don't worry, you can come in and have a meeting. These are all closed now. You have to be an employee of an organization to use it.

11 So all those wonderful promises that people proffered in the last five or six years did not materialize. We have sidewalks. We have dark spaces. We have nothing. This gives us our best shot that we have seen in about five or six years and I heartily endorse it. Thank you very much.

16 CHAIRPERSON BENNETT: Thank you, Ms. Maddox. Questions of Ms. Maddox? Questions? Cross examination? Okay. Are there any other persons in support who wish to testify? Seeing none, there are no parties in opposition. Are there persons in opposition who wish to testify? Please, both of you come forward. Good evening. Let me start from my left and move to my right. 22

23 MR. MCLEOD: Hi, Chairperson Bennett. My name is James McLeod, and I have been a resident of the West End, specifically 2424 Pennsylvania Avenue, N.W. I was a member full-time since 1983. I actually moved in in 1978, but went away to law school. I have some knowledge of land use law. When I went to law school I studied under Norman Williams, Jr., who was the former

Director of Planning for New York City. He has given me some appreciation for the issues here today and also for a Comprehensive Plan and why it is there.

4 I did attend the ANC meeting -- I believe it was -- I don't know the specific -- the 19th.

6 CHAIRPERSON BENNETT: Of August?

7 MR. MCLEOD: Of last month, yes. And I am opposed to the project primarily because it exceeds the existing zoning for that area. I live, if I may just go over here and demonstrate on this model here -- I live right on Pennsylvania Avenue in the building right here. This is in the C-2-C zone, the same as the majority of the site here. These are the only C-2-C zones in the West End that I am aware of based on a map I got next door. My concern is if the Commission approves this change and I would note comments made by the applicant here suggesting there are significant possibilities nearby, and I would note the empty spaces here. If this Commission approves this change in zoning, it is going to be much more difficult for it to say to the next applicant, well, we don't want to approve it because it is inconsistent with the character of that area of town.

21 Now in 1983, I wrote to comment on the Comprehensive Plan, which was at a period when they were accepting comments. My concern is to keep its residential characteristics. The developer wants to build here because it is a good place to live. They say they want to be a good neighbor. But my concern is, as I think the Commission has pointed out, if they had some appreciation for what they are asking for, I think the amenities would be far greater than what they are suggesting. I don't know that

it is this Commission's role to serve as a social service funding source for projects around the city. I am just speaking as a resident of this area. 3

4 What I have done is in my letter I have outlined three areas. 5 One is added burden to traffic. Some of the statistics I didn't hear was that at the Metro station, there are 18,000 persons a day who use the Foggy Bottom Station. Now on the northeast corner of Pennsylvania and 24th, there is a bus stop. As you know, Foggy Bottom is the last station and the closest station to Georgetown. There is a tremendous amount of pedestrian traffic that both walks to Georgetown and also 655 persons who board buses, not necessarily coming from the Metro but who board buses at 24th and Pennsylvania, the northeast corner, going to Georgetown and destinations up to Friendship Heights. 11

15 I know because daily I go to my health spa down in the 2000 block of L Street and I walk across the circle. The problem is that you get such back-ups on 23rd Street that the cars are very frustrated by the time they get to the Circle. Now the shortest way for me to get to my place from my spa is to take the crosswalk without a light. This is very difficult for me to do that without basically risking my life each time going in front of the car to get them to stop. Now that is just for the residents. For the people going from the Metro stop to either Georgetown or the bus stop on 24th and Pennsylvania, they have to pass four intersections -- one at New Hampshire Avenue intersection, there are two, an exit and entrance for K Street, and then there is one at 24th and Pennsylvania. That is an awful lot of traffic pedestrians going by there who were told that the traffic is as worse as it can be, but the additional two floors are not going to help that 30

anymore. In addition, at 23rd Street and L Street and New Hampshire, it forms kind of an -- I have heard it called an interesting intersection, but I find it an odd intersection. It is kind of difficult for pedestrians here, if you see where it is. This is the project here. This is the intersection. You have the avenue coming here. You have L Street here and 22nd here. And it is a very confusing intersection. You are going to add to the problems by adding to the height of the building at that particular intersection in addition to the circle.

9 On the reduction of light -- now, I find it interesting that the proposal tells you what it is like at 9:00 in the morning. The thing is, most residents leave the building by 9:00 in the morning. I am curious what it would be at sunrise, for example. I think that would be much more revealing as to the amount of shade.

14 CHAIRPERSON BENNETT: Now, there were three times a day, don't forget.

16 MR. MCLEOD: Right. But --

17 CHAIRPERSON BENNETT: 9:00, 1:00, and 5:00, I think. 18

19 MR. MCLEOD: But if you know --

20 CHAIRPERSON BENNETT: At 5:00 in the morning, most people are going to be still asleep, aren't they?

22 MR. MCLEOD: Well, I live at 24th and Pennsylvania, and I used to wake up to direct sunlight. Now there is a PUD right directly across from me. I live on Pennsylvania Avenue, which is a very broad avenue. We are talking about 23rd Street, which is a very narrow street. Now the people who live there probably wake up to the sunlight. It is a very good thing for humans to do in my personal opinion. I miss that. There is a very narrow slot actually where I get

sunlight still directly, and that is through here, which is going to be this building is still in my line of view where I live. So it is not insignificant to say that people may be asleep at 5:00 in the morning and this might be true, but what about 7:00 in the morning. I think if the model had shown that, and I am sure they can do that for you, I think it would be more revealing.

7 The third point is with the new federal legislation. Now at the ANC meeting, I suggested that perhaps this site was in the zone which is going to benefit from what you might call the economic zone. 10 It is called the Title VII of HR-2014, the Tax Relief Act, incentives for revitalization of D.C. Now what that means is at the ANC meeting it was mentioned it might be half condos and half rentals, 13 and there is a different story here. But if there are units for sale, people moving into them can get a \$5,000.00 tax break. But the more important break for the developers is the zero capital gains tax for improved properties. We were told -- I asked, well why don't you just build within the zoning and we were told that basically the owner of that property wants to get -- not in these words -- the biggest bang for the buck. That might have been the words. I am not sure. But basically, we are being told that if you want it to remain a parking lot, go ahead and don't approve this application. In effect, you are going to hear that argument again and again through the year 2003 based on the economic zone.

24 There is a map in the Washington Post that shows most of Foggy Bottom and the West End is covered by the tax break for D.C. investors who would apply. Foggy Bottom and West End is -- this is just the beginning in addition to what has already happened. We have the Red Cross building also in ANC-2, which has a height of

110 feet. If this one is approved, the sites that you have there and other parts of the city, particularly in our neighborhood, how is this Board going to protect the residents' interests. These people tell me that they want to be good neighbors and are sensitive to the concerns of the people living there, and they noted that the property values would probably go up in the surrounding areas, but I think they would go up even higher and residents would be happier if they stayed within the 90 feet. And apparently, they weren't aware of the benefits they will get from the tax break. So I would suggest that the Commission take that into consideration. And again, I would oppose it.

11 One last point, and I don't know -- there is a tree on 23rd and M Street. It is approximately 6 to 7 stories high and 90 inches in circumference. It is a beautiful tree. And I don't know if this building is going to get rid of that tree or not. There are a lot of other beautiful trees as well.

16 CHAIRPERSON BENNETT: All right. Thank you, Mr. McLeod. Questions of Mr. McLeod? Cross examination by the applicant?

19 MR. GLASGOW: Madam Chair, I only have about two questions for this witness. One, are you aware that the zero capital gains tax is not available to residential developments?

22 MR. MCLEOD: Well, the section that I saw is -- and I have quoted it in my letter, and that is Section 1400(B)(b), which deals with a special exception for improvements to land. Let's see, special rule for buildings which are substantially improved. And I don't see anywhere in there where it says anything about residential. Maybe you can quote me the proper section, but I don't see it in there.

28 MR. GLASGOW: I don't have the section. We will

cover that -- we can cover that just very briefly on rebuttal. We have looked at that issue extensively from our own interest. And the tax plan for the District of Columbia we see as essentially being -- will result in a very, very little tax savings for development.

5 CHAIRPERSON BENNETT: We can save the comment for wrap-up, because you are getting close to testifying.

7 MR. GLASGOW: Sure. We don't want to do that.

8 CHAIRPERSON BENNETT: No.

9 MR. GLASGOW: That was the only question that I had for the witness.

11 CHAIRPERSON BENNETT: Cross examination by Ms. Kahlow?

13 MS. KAHLOW: I don't think so. No, I don't.

14 CHAIRPERSON BENNETT: Resist the urge. All right. Thank you.

16 MR. MCLEOD: I apologize for the dry throat, but thank you for the time.

18 CHAIRPERSON BENNETT: All right. Thank you very much, Mr. McLeod. Ms. Miller?

20 MS. MILLER: Good evening. It is almost goodnight, but I am Dorothy Miller and I am commissioner for ANC-2A-05. McMillen Partners stated that they negotiated with the community. This is incorrect. They negotiated with a few people in the community.

24 First, I want to show the duplicity on the part of the applicant, and secondly, I want to state the reasons why the Zoning Commission should deny this request based on the facts that are not included in the presentation being submitted by Wilkes, Artis. such a massive project. In fact, it has been handled in a manner that

would keep the community from voicing its concerns and objections.

2 On December 16, the Zoning Commission was notified by the lawyers Wilkes, Artis, Hedrick, and Lane, who represent the owners of 2200 M Street, N.W., East, Blank, McMullen and Partners, of their intent to file an application for consolidated review and approval of a plan unit development, a PUD, and for a change of the D.C. zoning map.

8 On December 29, 1996, I received a notice there would be a meeting at the Lombardi Hotel on December 30 -- this was the night before and it was after 9:00 when I got the notice -- for a presentation by the McMullen Partners on their plans for 2200 M Street. This notice failed to state what kind of a meeting was being called. During the meeting, I asked and was told by the ANC chair that it was a community meeting. I left the meeting because of an emergency and Commissioner Barnhart followed shortly thereafter. I presume Commissioner Maddox continued the meeting, although only six members of the community and one commissioner were present.

18 The next day, on December 31, 1996, a letter from Commissioner Maddox was sent to the Zoning Commission indicating that ANC-2A had heard a presentation by the McMullen Partners. This letter, not an ANC letter and not on ANC letterhead but plain paper, stated that four undersigned commissioners approved the project. Not mentioned was the fact that only one of the four undersigned commissioners had heard the presentation. This presentation was not made before the ANC and I have put a copy of that letter attached to my statement.

27 At the ANC meeting scheduled -- the monthly public meeting on July 15, 1997, the McMullen Partners had asked for and

were scheduled to give a presentation before the commissioners and the residents of ANC-2A. On the morning of the scheduled meeting, the chair of the ANC-2A received a note from the McMullen Partners canceling the presentation because Commissioner Gireau could not be present. Commissioner Gireau, in a letter to the chair, requested that the presentation go forward, and I have given a copy of that with my testimony.

8 ANC-2A had properly called and noticed the meeting on the agenda for July 15. At the meeting, the commissioners voted 4 to 1 to send a letter to the Zoning Commission requesting that its hearing schedule for September 11 be deferred to a later date so that residents could have an opportunity to learn more about this project. ANC-2A's request did not appear on the Zoning Commission's agenda for the first week in September. I asked Ms. Madeliene Dobbins, Office of Zoning Executive Director, why, and she said that I couldn't rewrite the rules. I showed her a copy of DCMR Title XI, Section 3005, meetings and hearings. Under Section 3005.4 it says, "Nothing in this section shall preclude the Commission from amending the agenda at the meeting or hearing." The taxpaying residential neighborhoods, the basic financial support of the District, failed to get their concerns addressed and I have given you a copy of the Control Board's financial figures showing who does support the District of Columbia or where most of the support comes from.

24 On August 19, 1997, with only three days notice, ANC-2A held a special meeting to accommodate the McMullen Partners, even though many residents would be away on vacation. (There is no regular meeting of ANC-2A in August.) After the meeting, the chair, as required, notified the Zoning Commission that at this

meeting two resolutions were introduced. The resolution favoring the project failed with a vote of 3 aye's and 3 nay's. The second resolution strongly opposing the project also failed and was voted 3 aye's and 3 nay's. The residents attending the meeting were asked for a show of hands of who favored the project and who opposed. The show of hands overwhelmingly opposed the project, and I have attached a copy of the resolution that I endorsed spelling out the concerns of the residents.

9 At this official meeting of ANC-2A commission and the community, many omissions in the three applications filed with the Zoning Commission became apparent. The questions raised were about the 20 additional feet for the penthouse, the retail space to be located on the lower levels, the absence of an economic study showing why the zoning change was needed, the absence of an environmental impact study which is required for PUD approval under the Comprehensive Plan Amendments Act of 1994, and the absence of any explanation of how the private residential recreational space requirements of 11 DCMR 635 would be met. Of all the omissions, the most obvious omission was the large tract review as required in DCRA Chapter 11, Section 1138, policies in support of public action objectives and Section 1138.1(c).

22 There have been three previous applications filed with the Zoning Commission for square 51, lot 76, and they were zoning case numbers 91-10C, 90-24C, and 92-1C. I read the files and transcript of these previous three cases to determine why the Zoning Commission failed to give approval. First, the applicant's couldn't prove that economically it was necessary to change the zoning. And second, the Board's concern about the traffic congestion. One

interesting thing in the zoning case 90-24C was that there is underground stone that would require blasting and this was a concern of the Board.

4 The traffic experts used by Wilkes, Artis to submit the traffic report is the same company that in another case before the Board stated there is less traffic in Foggy Bottom West End today than there was 10 years ago. This type of a report by a so-called traffic expert is unacceptable and unbelievable. I asked at that hearing and I ask again for an independent traffic report. Since 1992, four hotels and a couple of new apartment buildings have been built in this area. Pennsylvania Avenue and G Street have been closed. The IFC has opened a new building at 20th and Pennsylvania housing 2,000 people. The World Bank's addition at 19th and Pennsylvania is expected to open this fall with approximately 3,500 workers. The constant repair on the Whitehurst Freeway, which has lasted almost four years also factors into the traffic pattern for this area. None of these is mentioned in the traffic report accompanying the application submitted by the Maryland traffic experts.

19 There are a large number of contradictions and inaccuracies in the presentation submitted for approval. In addition to the zoning map change, the applicant is asking for an extraordinary number of extra reliefs. I call the Board's attention to the following. Introduction, page 1, change of zoning from C-2 to C-3, do not exceed the PUD guidelines for a CR zoned district.

25 On page 18, "The instance in which the project does not meet the strict interpretation of the CR PUD guidelines." This would be the only CR zone on the south side of M Street, which my friend here just pointed out.

1 Page 3, the reasons for the height of 110, the health club, which the applicant says is an amenity to the community. No, it is a money-making business project. Did the applicant have an economic study done at the 90 foot height with 75 percent residential plus health club? If so, did the economic study show a profit? Zoning case 90-24-C refuted this argument with the example of the Gibson, which was almost sold out before it was completed and it was profitable. This proves residential buildings can be profitable and the zoning does not have to be changed.

mentioned. Did the developer negotiate seriously with the bank that owns the land to reduce the cost? What is the true cost of the square foot price? Without this figure, how can an economic analysis even be attempted? How can a reasonable value be placed on the value of amenities that would be equitable to the neighborhood.

15 Page 7, the West End does not now contain major activity-generating use. The Kennedy Center, GWU, the waterfront, boating, and Rock Creek Park bicycle paths? The Foggy Bottom West End area has a large number of health clubs and the age of the average resident would not lend itself to climbing 40-foot walls. So the club would basically serve residents out of the area. How did the applicant arrive at two basketball courts? Why not an indoor tennis court? Basketball courts more readily attract students who will crowd out other use of the gym space.

24 On page 10, what buildings are at 2311 M and 1250 23rd Street? Are they office or residential? The map shows they are all on the north side of M.

27 Page 12, the Zoning Commission advertised the notice on April 8 of the applicant's request, yet it was August before

the McMullen Partners came to the ANC Commission, not for the community input, but to promote their project. They came because of adverse comments and concerns of the residents, the surrounding community, as more residents learned of the massive size of the building and the potential heavy increase in traffic. The Office of Planning says that this site is intended to carry the elements of the city's development plan, but OP omitted the rest of the sentence, "But not at the expense of residential neighborhoods."

9 A change to a CR zone in a residential neighborhood is no improvement to the neighborhood or the quality of life of the taxpaying residents who live there.

12 Page 17, relief requested from the loading berth. Relief for greater height. Relief for higher density. Relief from 75 percent residential occupancy standards. Relief from meeting the requirements of 11 DCMR 635.1. Relief from meeting the strict interpretations of CR PUD guidelines and relief from public space requirements which cannot be granted by the Zoning Commission. In other words, relief from all of DCMR rules. Throw out all the rules and guidelines and let McMullen Partners do what they want.

20 Page 19, no adverse environmental impact. A statement without supporting facts is only a statement. What is needed is an environmental impact study and this is mandated in the Comprehensive Plan Amendments of 1994 for PUDs not located in the central employment area, and this is not.

25 Amenities based on the meetings with the community. What meetings and with whom in the community? It has been a very select group of people dealing with these people, not the entire community.

28 Metal benches in public spaces require special

approval from public space committee, the Park Service of the Federal Government, and the community. The community does not need any more benches to accommodate the homeless. Landscaping that may be of benefit to the District, but not to our community. A feeding program of \$10,000.00 for three years. A charitable contribution to the District is not an amenity to the neighborhood. The community received, and I read in the newspapers it was \$365,000.00, with respect to the alley that was closed for the World Bank, and that was done by what I consider an unauthorized group of people because the community had no say-so in who represented them. It was all spent in one year. Even Reverend Wimbley of the Western Presbyterian Church and I am sure you remember him, asked for an accounting on how it was possible that this much money could be spent in so short a space of time.

15 The application must be denied. The McMullen Partners would then be in a position to refile an application which would be in accord with all the pertinent zoning requirements without a zoning change. Otherwise, why does the District need DCMR 11 if all the rules put in place to have some semblance of city planning and some protection of viable living neighborhoods aren't adhered to and can be set aside. I thank you very much.

22 CHAIRPERSON BENNETT: Thank you, Ms. Miller. Colleagues, questions of Ms. Miller? Cross examination by the applicant? Ms. Kahlow, cross examination?

25 MS. KAHLOW: Yes. Where do you want me?

26 CHAIRPERSON BENNETT: Wherever is most convenient.

28 MS. KAHLOW: I will try to just deal with a few factual

errors. 1Ms. Miller, are you familiar with the fact that large tract review is not required for PUDs?

3 MS. MILLER: I was not. But for this piece of land, it should be.

5 MS. KAHLOW: Are you familiar with the fact that there is CR zoning south of Pennsylvania? The Westbridge is zoned CR. 7

8 MS. MILLER: The ones they referred to are all north.

9 MS. KAHLOW: I am just asking if you are familiar that in fact the Westbridge is CR.

11 MS. MILLER: Yes, but --

12 MS. KAHLOW: Thank you. Are you familiar with the fact that at 2311 M and 1250 23rd that you were unclear what they are are residential buildings with a small --

15 MS. MILLER: That is what I asked. What are they?

16 MS. KAHLOW: They are residential buildings with --

17 MS. MILLER: They don't say. Why didn't they say?

18 MS. KAHLOW: Are you familiar with the kind of benches that are at the triangle at New Hampshire and 22nd and M Street? 20

21 MS. MILLER: I don't sit on park benches.

22 MS. KAHLOW: The benches provide for single person 23 seats standing up.

24 MS. MILLER: It is public space and the Zoning Commission can't grant that.

26 MS. MILLER: You haven't bothered to look. Lastly, are you actually of the opinion that a homeless feeding program at 19th and Pennsylvania that would draw from Wimberly's is not good

for Foggy Bottom?

2 MS. MILLER: I didn't say that either.

3 MS. KAHLOW: You said it was not the community's -

- 4

5 MS. MILLER: I said the money was misspent before
and I am not sure it is an amenity.

7 CHAIRPERSON BENNETT: Let's move on then to
our next witness. Good evening.

9 MS. DYMOWSKI: Madam Chairperson and members
of the Commission. We are going to go a little bit out of order. My
name is Julie Dymowski. I am with Whiteford, Taylor & Preston. I am
the attorney for Carriage House Condominium, which is located at
2201 13th Street, immediately adjacent to the proposed site. I have
submitted on behalf of Carriage House a written statement setting
forth some of their concerns about this project. Most notably, they are
concerned about the traffic issues. They feel that there already is a
traffic problem in the area and this additional building will add to those
problems, and we would like you to take a careful look at the traffic
issues. That is their main concern.

20 I am here accompanied by Jay Shampamsky, who is
a board member with the Carriage House. He is going to elaborate
further on some of the details and some of the concerns that they
have about this project.

24 CHAIRPERSON BENNETT: All right. Thank you.
Let me get the correct spelling of your name?

26 MR. SHAMPAMSKY: S H A M P A M S K Y.

27 CHAIRPERSON BENNETT: Okay. Thank you.

28 MR. SHAMPAMSKY: I am Jay Shampamsky. As the

previous speaker noted, I am a resident of the Carriage House and have been for 18 years. For the past approximately 3 years, I have been on the board of directors of Carriage House Condominium Association. One of the previous speakers tonight indicated that the proposed development was exciting to some in the community. Unfortunately, to residents and owners of the Carriage House, it can be characterized as a matter of grave concern. As to which we have a number of questions and problems.

9 Some of our concerns are peculiar to residents of the Carriage House. A number -- I guess approximately half of the units in the Carriage House face the alley which would provide the means of access to the loading dock for the proposed development. We are concerned as to whether the proposal for use of the loading dock would provide adequate means for access to accommodate the traffic on 22nd and 23rd Streets. Both of those are narrow streets. They are both one-way streets. They are both heavily trafficked, especially in the rush hours.

18 We don't have all the information we need to provide a comment on that issue. As I understand it, the developers provided the Commission just tonight with a document relating to the use of the loading dock. We don't have a copy of that and we can't comment on it. But it is a matter of great concern to our building.

23 We are also concerned, as our counsel noted, with the traffic and the parking problems in the area. We question whether the traffic and parking studies that have been submitted accurately portray the likely impact of the proposed development on the area, particularly as I said the heavily trafficked and narrow 22nd and 23rd Streets.

1 Unfortunately, we just don't have the resources, either
the Carriage House alone or the community, to match the resources of
the developers to finance independent traffic and parking studies.

4 I guess my final point, and I do want to be brief
tonight. I think the previous speakers at the table have elaborated
fully and with great clarity on the concerns of some of the community.
My final point is noted in our cover letter in our submission tonight. It
is that we simply need more time to study the voluminous submission
by the developer. The most recent amendments were made on
August 11. As I understand it, there was an application made for
postponement of the hearing and it was denied, and that puts our
building and others in the area in a regrettable situation. As I say,
limited resources and limited time have made it impossible for us to
adequately review the documents and to respond fully tonight. Thank
you. 15

16 CHAIRPERSON BENNETT: Thank you, Mr.
Shampansky. Questions of Mr. Shampansky?

18 MS. MILLER: May I add one thing?

19 CHAIRPERSON BENNETT: Hold on, Ms. Miller.
Questions from the Commission?

21 COMMISSIONER FRANKLIN: Yes, just one.

22 CHAIRPERSON BENNETT: Mr. Franklin?

23 COMMISSIONER FRANKLIN: The concerns you've
expressed tonight Mr. Shampansky would probably be present in
equal force by a matter of right development, isn't that true?

26 MR. SHAMPANSKY: Some of them might be. But
without certainly the information --

28 COMMISSIONER FRANKLIN: A matter of right

developer might be using the alley as a loading dock and the matter of right developer could proceed without any of the community involvement that the PUD developer would presumably have.

4 MR. SHAMPAMSKY: Well, I would think at least one point in response is that the density of the building for a matter of right development would be somewhat limited and be reduced.

7 COMMISSIONER FRANKLIN: Somewhat lower, yes.

8 MR. SHAMPAMSKY: And it would be a reduced burden on a loading dock.

10 COMMISSIONER FRANKLIN: Well, perhaps.

11 MR. SHAMPAMSKY: And reduced traffic in the area and parking.

13 COMMISSIONER FRANKLIN: The testimony before us is that this particular development would have an increase of only 20 vehicle trips more than the matter of right development. And giving it some weight, maybe suppose there were 40 vehicle trips more. It seems to me that those people living in proximity to what is now an empty lot have to recognize that at some point there is going to be development on that lot and that development is going to generate traffic. So it seems to me that the kind of issues that are of concern to you and are focused on this particular development are also going to be present no matter what kind of development takes place on that site. 23

24 MR. SHAMPAMSKY: Well, to some extent, I would have to agree with your point. But I think the time and attention that the developers have paid to the traffic and parking issues in their application suggests that they feel there is some incremental effect of their development which is not a matter of right on those issues. I

think they implicitly concede that point.

2 CHAIRPERSON BENNETT: Well, let me just chime in a little bit. The developers have a test -- several tests to meet in presenting us a PUD. And of course part of that has to do with traffic and transportation issues. So the fact that they met their requirements to report thoroughly on those issues doesn't necessarily mean that they concede the point that there is going to be some overwhelming excess traffic. What they have to do is to come to us and say based on their understanding and studies what they believe that development will generate. That doesn't mean that they necessarily concede the point that there is going to be an overwhelming traffic impact on the area.

13 Let me ask you this. You are the second person -- I think Mr. McLeod also was concerned about the lack of a "independent" traffic study. We have another set of views that came into this record and that came from the Department of Public Works. Have you had an opportunity to take a look at that?

18 MR. SHAMPAMSKY: No, I have not.

19 CHAIRPERSON BENNETT: And that report, as you may have heard summarized earlier, the Department of Public works was generally in support. They had some concerns about bicycle spaces I think, and the numbers of loading docks there. But generally, it was another -- I guess where I am going is there was another set of eyes that looked at this who have purportedly some expertise at looking at developments like this. So that for people like yourself and the members in the Carriage House who don't have the same kind of money to go out and get an independent traffic consultant, the city itself takes a look at this because it is in our best

interest as a city to insure that we don't start choking ourselves with excess traffic and transportation problems as well. That is why we asked for DPW to do the reports that we did ask for. Anyway. Cross examination of Mr. Shampansky by the applicant?

5 MR. GLASGOW: No cross.

6 CHAIRPERSON BENNETT: Ms. Kahlow?

7 MS. KAHLOW: No.

8 CHAIRPERSON BENNETT: All right. Are there any others in the audience who wish to testify in opposition?

10 MS. MILLER: May I say one thing more?

11 CHAIRPERSON BENNETT: Hold a minute. Let me make sure there is nobody else who wishes to testify. Okay, one minute, Ms. Miller.

14 MS. MILLER: I will take one minute or less. They do not say how many people are going to be using their health club. Now the Health and Wellness Center at George Washington figures 3,000 people. Another thing they don't mention on the children is they always have to have cars to bring children. They have put in a playground at Columbia Plaza and it takes up the whole area of trying to get through our drive-thru of people dropping off children and picking up children. The other thing is I called DPW to find out when they had last done a car count and I found out that two had been done, one in 1989, just before the filing of 90-24C and in 1996, just before the filing of this one. And I said, could I have one and could I know when it was done and how it was done, and it seems they don't do that for the average citizen. But they do for certain people, whose name we won't mention. But also, I have been trying for three days to get hold of Chief Solsby, because he said he doesn't see a traffic

problem. Well, the Second District Police called me and said we understand you have a way of getting signs put up. Can you help us? We cannot take any more accidents at Washington Circle. He said, we have had so many, we just can't take any more. Now I explained when I talked to the developers that the cars that go up 22nd in the morning come down 23rd in the evening, and I am always on those two streets. So I know. And 24th Street is even worse than either one of those.

9 CHAIRPERSON BENNETT: Thank you, Ms. Miller. I want to thank all of the panelists this evening and I want to thank everyone here for their patience. We are going to ask the applicant to come forward so that you can do your closing remarks. We are going to try to see if we can allow some time, since some materials came in that Mr. Shampansky and some others who may want an opportunity to look at them and comment on them can do.

16 MR. GLASGOW: We have some information to submit concerning the issue of amenities with substantially residential projects.

19 CHAIRPERSON BENNETT: Okay.

20 MR. GLASGOW: We also, during the course of our discussions and deliberations internally while part of the hearing was going on to respond to one of the issues that was raised, we think it is appropriate that we retain the retail in the B-1 level and if we have a problem in the future, then we will come back and not press that issue for the flexibility.

26 CHAIRPERSON BENNETT: And do a modification then? 27

28 MR. GLASGOW: That is correct. We would come

back at that point in time. We understand. We heard the Commission and we heard the Office of Planning saying that that is an amenity here. We viewed it as an amenity to the community. So we will press forward with that and if there is a problem in the future, then we would return at that point in time.

6 Also, we have been working with the police department and the others. We will endeavor to put the community policing center in the building provided that -- and we know we have been talking with some people in the community on that. We are very concerned about if they are going to be in a residential building bringing in suspects or interviewees. We do not want to have that. We have discussed that with them and that has not come to closure. We think it is great and fine to have a place where the police do not have to go back up to Idaho Avenue, but they can come and they can change shifts in the building. That part is okay. But we have to clarify that. That is what was being discussed by Ms. Kahlow with respect to trying to finalize that. I had discussed with her that we would not be saying anything about it until we knew it was finalized. That we would do it whether it was an amenity to the PUD or not if it was properly done. We will press forward on that. But I do want to say with the provision that we have the appropriate protections with a residential building.

23 With respect to the amenities that we have, we do have the \$15,000.00 for three years, so that is a \$45,000.00 commitment to the Care-A-Van program. The \$10,000.00 with Foggy Bottom Association for the three parcels west of the circle. We have got a number of other amenities. Steven is going to touch base briefly on those and then submit some orders. We have done a comparative

study as to these type of amenities. And we do also recognize and did look at that the actual dollar value of the major amenity is getting a major residential building built there. That is the major amenity to the city. That is the \$6 million a year.

5 CHAIRPERSON BENNETT: Mr. Sher?

6 MR. SHER: Madam Chair and Members of the Commission, we had this discussion not so long ago in a PUD which I will name involving the Kennedy Warren on Connecticut Avenue. For the record in that case, I submitted a stack of orders. And for the record in this case, I am going to submit the same stack. I think that in response to Mr. Parsons, I think the Commission did address your issue in these new PUD regulations. They did it in two places. One is 2403.8, "In deciding a PUD application, the Zoning Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse affects according to the specific circumstances of the case." I believe that in effect that was writing into the regulations the procedure and the process which this Commission has been using for years. You look at a case and you look at whether it is a commercial case, a residential case, an institutional case, a retail case, a mixed use case, of which we have got all kinds, and I think the Commission has -- and that was the point of this stack of orders -- to look at cases which are essentially residential cases and said residential is the amenity, which goes on to the second piece of the regulation where the Commission specifically recognized that, 2403.9, "Public benefits and project amenities of the proposed PUD may be exhibited and documented in any of the follow or additional categories." A, B, C, D, E, F housing and affordable

housing. So the Commission in the regulations, I think, recognized housing as an amenity. I think Mr. Colby was right on target though when he said if everybody else was doing housing, you might have to decide whether the relative value of project amenities in a context where everybody else was doing housing, maybe it isn't worth as much as the relative value of housing in an area where housing has been difficult to come by.

8 I also need to add sort of one other comment, and I think I have made this one before and I know I have talked to Nate Gross about this many times. I think the CR zone, and I stand right behind Mr. Gibson on this one, is evolving into precisely the kind of mix that was envisioned. I don't see the hotels as being a detriment to that. I see the hotels offering a kind of activity or a kind of amenity or a kind of service or a kind of piece of the overall mix that housing doesn't offer. So when you have -- and I didn't go through this in detail in my outline, but it is there. When you look at that mix of uses, you've got residential, you've got hotel, you've got office, you've got retail, which is primarily ground floor in all of those types of buildings, you've got community and institutional uses. I mean, within the boundaries of the West End, we've got a hospital, a police station, a fire station, a library, a junior high school, all within a relatively tight area. And what is coming here is on the order of 15 percent more housing in terms of the total, and I gave you those numbers, and a significant concentration of retail. The retail in that kind of concentration is maybe the one thing that doesn't exist there now, but when you put all that together, you are sort of filling in the whole. And as others have pointed out, this may be the last major piece. There is another parking lot on the block to the east, but it is not nearly as big

as this next to the Exxon gas station, and it is a triangular site and it is not the same kind of circumstance.

3 It just -- the whole concept of mixed uses, I think, is a crucible here and we are sort of stirring it all together. And when you spill it out and it hardens, this is what it looks like.

6 CHAIRPERSON BENNETT: What an analogy.
Thank you. Were there any other comments?

8 MR. GLASGOW: And on that note.

9 CHAIRPERSON BENNETT: And on that note. Just spill it out and we will watch it harden.

11 MR. GLASGOW: This concludes the applicant's presentation.

13 CHAIRPERSON BENNETT: All right. Thank you very much. Ladies and gentlemen, I want to thank you for your testimony and your assistance in this hearing. The record in this case will now be closed except for information specifically requested by the Commission. Any special information or reports specifically requested by the Commission should be filed during the period ending on October 3, 1997 in Suite 210 of 441 4th Street, N.W.

20 Now colleagues remind me, did we ask for any specific information that needs to still come in? I think the only thing that I have in my notes had to do with the applicant's landscaping of the courtyard in the back of the building -- to the southern elevation of the building. I don't recall there being any other thing that we specifically asked to come in. Does anyone else? Mr. Parsons?

26 COMMISSIONER PARSONS: First, I would like to call it a rooftop garden rather than a landscaping plan.

28 CHAIRPERSON BENNETT: Oh, rooftop garden.

1 COMMISSIONER PARSONS: Because I am afraid
 we will get a few planters. It should be just absolutely first rate. I think
 we also need a firmer proposal on or at least a written proposal on
 what is really going to happen at Washington Circle. If it is cash, it is
 cash. But not what we heard tonight from Mr. Glasgow. I think it
 needs to be placed on a piece of paper so that we can react to that.

7 CHAIRPERSON BENNETT: Okay. The other thing
 is Mr. Shampansky representing the Carriage House would like to be
 able to respond to some of the materials that came in. We will await a
 response from you once you have had an opportunity to take a look at
 that within this time period. And then we also have to have responses
 to that because this is a contested case. So those are the things that
 we are asking for to come in by October 3, 1997. That is rooftop
 garden plans, what really happens at Washington Circle, and that is
 the Carriage House response to some of the materials that they saw
 for the first time this evening. Any party to the case may file a written
 response to any information or report filed after the close of the
 hearing. Such responses should be filed no later than 7 days after
 October 3, 1997, which is October 10, 1997. Parties in this case are
 invited to submit proposed findings of fact and conclusions of law.
 Any party who submits proposed findings and conclusions should do
 so by October 10, 1997. Parties are reminded that their findings of
 fact should not include findings stating how witnesses testified. The
 findings should be those findings the party believes the Commission
 should make based upon the testimony and other evidence in the
 record. Citations to exhibits and the transcript are appropriate and
 encouraged. To assist the parties in the preparation of these findings
 of fact and conclusions of law, a copy of the hearing transcript will be

available for review in the Office of Zoning in about two weeks.

Copies of the transcript may also be purchased from the recording form. When the transcript is received, the Office of Zoning will contact the parties.

5 After the record is closed, the Commission will make a decision on this case at one of its regular monthly meetings. These meetings are held at 1:30 p.m. on the second Monday of each month with some exceptions and are open to the public. Any person who is interested in following this case further may contact the staff to determine whether this case is on the agenda of a particular meeting. You should also be aware that if the Commission proposes to approve this application, the proposed decision must be referred to the National Capitol Planning Commission for federal impact review. The Zoning Commission will take final action at a public meeting following the receipt of the NCPC comments, after which a written order will be published. I declare this hearing closed. Thank you very much.

17 (Whereupon, at 10:47 p.m. the meeting was concluded.)

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